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H.R. 3237-The Intelligence Communit...

**H.R. 3237—THE INTELLIGENCE
COMMUNITY ACT**

COMMITTEE ON NATIONAL SECURITY
HOUSE OF REPRESENTATIVES

ONE HUNDRED FOURTH CONGRESS
SECOND SESSION

HEARING HELD
JULY 11, 1996



DEPOSITORY

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104TH CONGRESS
2D SESSION

H. R. 3237

To provide for improved management and operation of intelligence activities of the Government by providing for a more corporate approach to intelligence, to reorganize the agencies of the Government engaged in intelligence activities so as to provide an improved Intelligence Community for the 21st century, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

APRIL 15, 1996

MR. COMBEST introduced the following bill; which was referred to the Permanent Select Committee on Intelligence and in addition to the Committee on National Security, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

A BILL

To provide for improved management and operation of intelligence activities of the Government by providing for a more corporate approach to intelligence, to reorganize the agencies of the Government engaged in intelligence activities so as to provide an improved Intelligence Community for the 21st century, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Intelligence Community Act".

SEC. 2. ORGANIZATION OF ACT; TABLE OF CONTENTS.

(a) ORGANIZATION OF ACT.—This Act is organized as follows:

TITLE I—INTELLIGENCE COMMUNITY GENERALLY

Subtitle A—Director of Central Intelligence
Subtitle B—Deputy Directors of Central Intelligence
Subtitle C—The Intelligence Community
Subtitle D—Annual Reports

TITLE II—INTELLIGENCE COMMUNITY MANAGEMENT

Subtitle A—Intelligence Community Functions
Subtitle B—National Foreign Intelligence Program
Subtitle C—Personnel
Subtitle D—Infrastructure Support Office
Subtitle E—Intelligence Community Administration

TITLE III—INTELLIGENCE COMMUNITY AGENCIES

Subtitle A—Central Intelligence Agency
 Subtitle B—The Clandestine Service
 Subtitle C—The National Intelligence Evaluation Council

TITLE IV—DEPARTMENT OF DEFENSE FUNCTIONS IN THE INTELLIGENCE COMMUNITY

Subtitle A—Secretary of Defense
 Subtitle B—Director of Military Intelligence
 Subtitle C—The Military Departments
 Subtitle D—Planning and Budgeting

TITLE V—DEPARTMENT OF DEFENSE AGENCIES IN THE INTELLIGENCE COMMUNITY

Subtitle A—Defense Intelligence Agency
 Subtitle B—Technical Collection Agency
 Subtitle C—Technology Development Office

TITLE VI—NATIONAL SECURITY COUNCIL AND RELATED BOARDS AND COMMITTEES

TITLE VII—TECHNICAL AND CONFORMING AMENDMENTS

Subtitle A—Amendments Related to Creation of Technical Collection Agency
 Subtitle B—Amendments Related to Creation of Clandestine Service
 Subtitle C—Amendments Related to Inspector General for the Intelligence Community
 Subtitle D—Repeals of Provisions Recodified in New Act
 Subtitle E—Other Amendments

TITLE VIII—TRANSFER OF FUNCTIONS, SAVINGS PROVISIONS, AND EFFECTIVE DATE

Subtitle A—Transfers of Functions to Intelligence Community Agencies Other than Agencies in Department of Defense
 Subtitle B—Transfers of Functions to Intelligence Community Agencies in Department of Defense
 Subtitle C—General Transfer Provisions
 Subtitle D—General Savings Provisions
 Subtitle E—Effective Date

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

- Sec. 1. Short title.
- Sec. 2. Organization of Act; table of contents.
- Sec. 3. Findings and purposes.
- Sec. 4. Definitions.

TITLE I—INTELLIGENCE COMMUNITY GENERALLY

Subtitle A—Director of Central Intelligence

- Sec. 101. Director of Central Intelligence.
- Sec. 102. General intelligence responsibilities of the Director.
- Sec. 103. Preparation of annual budget for National Foreign Intelligence Program.
- Sec. 104. Foreign intelligence collection.
- Sec. 105. Protection of sources and methods.
- Sec. 106. Promotion and evaluation of the usefulness of intelligence to consumers.
- Sec. 107. Elimination of waste and unnecessary duplication.
- Sec. 108. Other functions.
- Sec. 109. Prohibition on law enforcement powers and internal security functions.

- Sec. 110. Access to intelligence.
- Sec. 111. Coordination with foreign governments.

Subtitle B—Deputy Directors of Central Intelligence

- Sec. 121. Deputy Directors of Central Intelligence.
- Sec. 122. Deputy Director of Central Intelligence for the Central Intelligence Agency.
- Sec. 123. Deputy Director of Central Intelligence for Community Management.
- Sec. 124. Civilian and military status of Director of Central Intelligence and Deputies.

Subtitle C—The Intelligence Community

- Sec. 131. Elements of the Intelligence Community.
- Sec. 132. Inspector General for the Intelligence Community.

Subtitle D—Annual Reports

- Sec. 141. Annual report on Intelligence Community activities.

TITLE II—INTELLIGENCE COMMUNITY MANAGEMENT

Subtitle A—Intelligence Community Functions

- Sec. 201. Community Management Staff.
- Sec. 202. Functions of the Community Management Staff.

Subtitle B—National Foreign Intelligence Program

- Sec. 221. Budgets.
- Sec. 222. Comptroller functions of Community Management Staff.
- Sec. 223. Limitations on transfers and reprogramming.
- Sec. 224. Transfer of funds or personnel within the National Foreign Intelligence Program.
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Subtitle C—Personnel

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- Sec. 323. Applicable statutes.

Subtitle C—The National Intelligence Evaluation Council

- Sec. 331. National Intelligence Evaluation Council.
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TITLE IV—DEPARTMENT OF DEFENSE FUNCTIONS IN THE INTELLIGENCE COMMUNITY

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- Sec. 401. Overall Secretary of Defense functions.
- Sec. 402. Requirement that budgets for intelligence components be adequate.
- Sec. 403. Implementation of Director of Central Intelligence policies and resource decisions.
- Sec. 404. Relationship of NFIP activities to tactical intelligence activities.
- Sec. 405. Responsiveness to operational military forces.
- Sec. 406. Elimination of waste and unnecessary duplication.
- Sec. 407. Joint and corporate conduct of Defense intelligence activities.
- Sec. 408. Use of elements of Department of Defense.

Subtitle B—Director of Military Intelligence

- Sec. 421. Director of Military Intelligence.
- Sec. 422. Functions of the Director of Military Intelligence.
- Sec. 423. Role of Director of Military Intelligence in the Intelligence Community.
- Sec. 424. Planning and budget functions.
- Sec. 425. Staff.

Subtitle C—The Military Departments

- Sec. 441. Intelligence capabilities of the military departments.

Subtitle D—Planning and Budgeting

- Sec. 451. Joint Military Intelligence Program.
- Sec. 452. Tactical Intelligence and Related Activities (TIARA).
- Sec. 453. Notice to Congress of changes in JMIP and TIARA.

TITLE V—DEPARTMENT OF DEFENSE AGENCIES IN THE INTELLIGENCE COMMUNITY

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Subtitle B—Technical Collection Agency

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- Sec. 522. SIGINT, IMINT, and MASINT functions.
- Sec. 523. Reconnaissance systems.
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Subtitle C—Technology Development Office

- Sec. 531. Establishment of the Technology Development Office.
- Sec. 532. Responsibilities for satellite reconnaissance systems.

Sec. 533. Acquisition and operation of other reconnaissance and sensor systems.
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TITLE VI—NATIONAL SECURITY COUNCIL AND RELATED BOARDS AND COMMITTEES

Sec. 601. Recodification of laws relating to National Security Council and related boards and committees in Executive Office of the President.
 Sec. 602. Committee on Foreign Intelligence.
 Sec. 603. Prohibition of direct participation by National Security Council staff in execution of intelligence operations.

TITLE VII—TECHNICAL AND CONFORMING AMENDMENTS

Subtitle A—Amendments Related to Creation of Technical Collection Agency

Sec. 701. Role as Defense agency.
 Sec. 702. Restatement of National Security Agency Act of 1959.

Subtitle B—Amendments Related to Creation of Clandestine Service

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TITLE VIII—TRANSFER OF FUNCTIONS, SAVINGS PROVISIONS, AND EFFECTIVE DATE

Subtitle A—Transfers of Functions to Intelligence Community Agencies Other than Agencies in Department of Defense

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- Sec. 831. Continuing effect of legal documents.
- Sec. 832. Proceedings not affected.
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- Sec. 835. Administrative actions relating to promulgation of regulations.
- Sec. 836. Transition.
- Sec. 837. References.

Subtitle E—Effective Date

- Sec. 851. Effective date.

SEC. 3. FINDINGS AND PURPOSES.

(a) **FINDINGS.**—The Congress makes the following findings:

(1) The United States must maintain an intelligence capability to collect and analyze information concerning world events that may threaten its security so as to be in a position to anticipate and respond to such events in an effective and timely manner.

(2) The existing framework for the conduct of United States intelligence activities, established by the National Security Act of 1947, has evolved largely without changes to the original statutory framework, but rather as a matter of Executive order and directive.

(3) Although the Director of Central Intelligence has had an overall, coordinating role for United States intelligence activities, under existing law and by Executive order the Director has, in fact, lacked sufficient authorities to exercise this responsibility effectively, leaving control largely decentralized within elements of the Intelligence Community.

(b) **PURPOSES.**—The purposes of this Act are—

(1) to provide a corporate framework for the improved management of United States intelligence activities at all levels and within all intelligence disciplines;

(2) to provide an institutional structure that will continue to ensure that the Intelligence Community serves the needs of the Government as a whole in an effective, timely, and corporate manner;

(3) to clarify by law the responsibilities of United States intelligence agencies; and

(4) to improve the congressional oversight of intelligence activities.

SEC. 4. DEFINITIONS.

For the purposes of this Act:

(1) **INTELLIGENCE.**—The term “intelligence” includes foreign intelligence and counterintelligence.

(2) **FOREIGN INTELLIGENCE.**—The term “foreign intelligence” means information relating to the capabilities, intentions, or activities of foreign governments or elements thereof, foreign organizations, foreign transnational entities, or foreign persons.

(3) **COUNTERINTELLIGENCE.**—The term “counterintelligence” means information gathered and activities conducted to protect against espionage, other intelligence activities, sabotage, or assassinations conducted by or on behalf of foreign governments or elements thereof, foreign organizations, foreign transnational entities, or foreign persons, or international terrorist activities.

(4) **NATIONAL INTELLIGENCE AND INTELLIGENCE RELATED TO NATIONAL SECURITY.**—The terms “national intelligence” and “intelligence related to the national security”—

(A) each refer to intelligence that pertains to the interests of the Government generally, rather than to the interests of a single department or agency of Government, or to a component of such department or agency;

(B) do not refer to intelligence necessary to plan or conduct tactical military operations by United States Armed Forces; and

(C) do not refer to counterintelligence or law enforcement activities conducted by the Federal Bureau of Investigation except to the extent provided for in procedures agreed to by the Director of Central Intelligence and the Attorney General, or otherwise as expressly provided for in this Act.

(5) NATIONAL FOREIGN INTELLIGENCE PROGRAM.—The term "National Foreign Intelligence Program" refers to all programs, projects, and activities of the Intelligence Community which are intended to produce national intelligence, as well as any other programs of the Intelligence Community designated jointly by the Director of Central Intelligence and the head of a United States department or agency or by the President. Such term does not include programs, projects, or activities of the military departments to acquire intelligence solely for the planning and conduct of tactical military operations by United States Armed Forces.

(6) CONGRESSIONAL INTELLIGENCE COMMITTEES.—The term "congressional intelligence committees" means—

(A) the Select Committee on Intelligence of the Senate; and

(B) the Permanent Select Committee on Intelligence of the House of Representatives.

TITLE I—INTELLIGENCE COMMUNITY GENERALLY

Subtitle A—Director of Central Intelligence

SEC. 101. DIRECTOR OF CENTRAL INTELLIGENCE.

(a) DIRECTOR OF CENTRAL INTELLIGENCE.—There is a Director of Central Intelligence. The Director of Central Intelligence is—

(1) the principal adviser to the President and the National Security Council for intelligence matters related to the national security; and

(2) the head of the Intelligence Community.

(b) APPOINTMENT.—The Director of Central Intelligence is appointed by the President, by and with the advice and consent of the Senate.

(c) ACTING DCI.—

(1) The Director of Central Intelligence shall designate one of the two Deputy Directors of Central Intelligence to act for, and exercise the powers of, the Director during the Director's absence or disability.

(2) In the event of a vacancy in the office of Director of Central Intelligence, the President shall designate one of the two Deputy Directors of Central Intelligence to act as, and exercise the powers of, the Director during the vacancy.

SEC. 102. GENERAL INTELLIGENCE RESPONSIBILITIES OF THE DIRECTOR.

(a) PROVISION OF INTELLIGENCE TO THE PRESIDENT.—Under the direction of the National Security Council, the Director of Central Intelligence shall be responsible for providing intelligence to the President.

(b) PROVISION OF INTELLIGENCE TO OTHERS.—Under the direction of the National Security Council, the Director of Central Intelligence shall be responsible for providing intelligence—

(1) to the heads of departments and agencies of the executive branch;

(2) to the Chairman of the Joint Chiefs of Staff, to the commanders of the unified combatant commands, and to other senior military commanders; and

(3) to the Senate and House of Representatives and the appropriate committees thereof.

(c) INTELLIGENCE TO BE OBJECTIVE AND TIMELY.—Intelligence provided by the Director pursuant to this section should be timely and objective and shall be provided independent of political considerations or bias and based upon all sources available to the Intelligence Community.

SEC. 103. PREPARATION OF ANNUAL BUDGET FOR NATIONAL FOREIGN INTELLIGENCE PROGRAM.

The Director of Central Intelligence shall develop (in accordance with subtitle B of title II) and present to the President an annual budget for the National Foreign Intelligence Program of the United States.

SEC. 104. FOREIGN INTELLIGENCE COLLECTION.

The Director of Central Intelligence shall establish the requirements and priorities to govern the collection of national intelligence by elements of the Intelligence Community and shall manage the collection capabilities of the Intelligence Community to ensure that national requirements are met.

SEC. 105. PROTECTION OF SOURCES AND METHODS.

The Director of Central Intelligence shall protect intelligence sources and methods from unauthorized disclosure.

SEC. 106. PROMOTION AND EVALUATION OF THE USEFULNESS OF INTELLIGENCE TO CONSUMERS.

The Director of Central Intelligence shall promote and evaluate the quality and usefulness of national intelligence to consumers within the Government.

SEC. 107. ELIMINATION OF WASTE AND UNNECESSARY DUPLICATION.

The Director of Central Intelligence, in cooperation with the heads of the elements of the Intelligence Community shall eliminate waste and unnecessary duplication within the Intelligence Community.

SEC. 108. OTHER FUNCTIONS.

The Director of Central Intelligence shall perform such other functions as the President or the National Security Council may direct.

SEC. 109. PROHIBITION ON LAW ENFORCEMENT POWERS AND INTERNAL SECURITY FUNCTIONS.

The Director of Central Intelligence shall have no police, subpoena, or law enforcement powers or internal security functions.

SEC. 110. ACCESS TO INTELLIGENCE.

To the extent recommended by the National Security Council and approved by the President, the Director of Central Intelligence shall have access to all intelligence related to the national security which is collected by any department, agency, or other entity of the United States.

SEC. 111. COORDINATION WITH FOREIGN GOVERNMENTS.

Under the direction of the National Security Council and in a manner consistent with section 207 of the Foreign Service Act of 1980 (22 U.S.C. 3927), the Director shall coordinate the relationships between elements of the Intelligence Community and the intelligence or security services of foreign governments on all matters involving intelligence related to the national security or involving intelligence acquired through clandestine means.

Subtitle B—Deputy Directors of Central Intelligence

SEC. 121. DEPUTY DIRECTORS OF CENTRAL INTELLIGENCE.

(a) **POSITIONS.**—There is a Deputy Director of Central Intelligence for the Central Intelligence Agency, and there is a Deputy Director of Central Intelligence for Community Management.

(b) **APPOINTMENT.**—Each Deputy Director shall be appointed by the President, by and with the advice and consent of the Senate.

(c) **QUALIFICATIONS.**—Each Deputy Director shall have extensive national security experience.

SEC. 122. DEPUTY DIRECTOR OF CENTRAL INTELLIGENCE FOR THE CENTRAL INTELLIGENCE AGENCY.

(a) **DAILY OPERATIONS OF THE CENTRAL INTELLIGENCE AGENCY.**—Subject to the direction of the Director of Central Intelligence, the Deputy Director of Central Intelligence for the Central Intelligence Agency shall be responsible for conducting the daily operations of the Central Intelligence Agency.

(b) **ANALYSIS AND DISSEMINATION.**—The Deputy Director of Central Intelligence for the Central Intelligence Agency shall be responsible to the Director of Central Intelligence for the following:

(1) Correlating and evaluating intelligence related to the national security collected from all sources available throughout the Intelligence Community and providing appropriate dissemination of such intelligence.

(2) Coordinating analysis conducted by the Intelligence Community, including determining when and for what competitive analysis is justified.

(3) Producing national intelligence estimates.

SEC. 123. DEPUTY DIRECTOR OF CENTRAL INTELLIGENCE FOR COMMUNITY MANAGEMENT.

Subject to the direction of the Director of Central Intelligence, the Deputy Director of Central Intelligence for Community Management shall be responsible for the following:

(1) Directing the operations of the Community Management Staff.

(2) Directing the operations of the Infrastructure Support Office.

(3) Performing community-wide management functions, including the management of personnel, resources, and requirements.

(4) Managing research and development.

SEC. 124. CIVILIAN AND MILITARY STATUS OF DIRECTOR OF CENTRAL INTELLIGENCE AND DEPUTIES.

(a) **LIMITATION ON ACTIVE DUTY STATUS.**—Not more than one individual serving in the following positions may be on active duty in the Armed Forces while serving in that position:

(1) The Director of Central Intelligence.

(2) The two Deputy Directors of Central Intelligence.

(b) **APPOINTMENT AND RANK.**—An individual serving in a position specified in paragraph (1) or (2) of subsection (a) who is on active duty in the Armed Forces shall be appointed from among the officers of the Armed Forces on the active-duty list. The Director of Central Intelligence may hold the grade of general or admiral while so serving and a Deputy Director of Central Intelligence may hold the rank of lieutenant general or vice admiral while so serving.

(c) **ROLE AS OFFICER OF ARMED FORCES.**—A commissioned officer of the Armed Forces, while serving in a position specified in paragraph (1) or (2) of subsection (a)—

(1) shall not be subject to supervision or control by the Secretary of Defense or by any officer or employee of the Department of Defense;

(2) shall not exercise, by reason of the officer's status as a commissioned officer, any supervision or control with respect to any of the military or civilian personnel of the Department of Defense except as authorized by this title; and

(3) shall not be counted against the numbers and percentages of commissioned officers of the rank and grade of such officer authorized for the military department of that officer.

(d) **MILITARY BENEFITS.**—Except as provided in paragraph (1) or (2) of subsection (c), the appointment of an officer of the Armed Forces to a position specified in paragraph (1) or (2) of subsection (a) shall not affect the status, position, rank, or grade of such officer in the Armed Forces, or any emolument, perquisite, right, privilege, or benefit incident to or arising out of any such status, position, rank, or grade.

(e) **PAY.**—An officer of the Armed Forces appointed to a position specified in paragraph (1) or (2) of subsection (a), while serving in such position, shall continue to receive military pay and allowances payable to a commissioned officer of that officer's grade and length of service for which the appropriate military department shall be reimbursed from funds available to the Director of Central Intelligence. In addition to any pay or allowance payable under this subsection, such officer shall also receive, out of funds available to the Director of Central Intelligence, annual compensation in an amount by which the annual rate of compensation payable for such position exceeds the total of that officer's annual rate of military pay and allowances.

Subtitle C—The Intelligence Community

SEC. 131. ELEMENTS OF THE INTELLIGENCE COMMUNITY.

The Intelligence Community of the United States Government consists of the following:

(1) The Office of the Director of Central Intelligence, which shall include the Offices of the Deputy Directors of Central Intelligence and such other offices as the Director may designate.

(2) The Community Management Staff.

- (3) The National Intelligence Evaluation Council.
- (4) The Central Intelligence Agency.
- (5) The Clandestine Service.
- (6) The Defense Intelligence Agency.
- (7) The Technical Collection Agency.
- (8) The Technology Development Office.
- (9) The Infrastructure Support Office.
- (10) The intelligence elements of the Army, the Navy, the Air Force, the Marine Corps, and the Coast Guard.
- (11) The intelligence elements of the Federal Bureau of Investigation, the Department of the Treasury, the Department of Energy, and the Drug Enforcement Administration.
- (12) The Bureau of Intelligence and Research of the Department of State.
- (13) Such other offices and entities as are established by law under the authority of the Director of Central Intelligence or as may be provided by law or by the President to be a component of the Intelligence Community.

SEC. 132. INSPECTOR GENERAL FOR THE INTELLIGENCE COMMUNITY.

(a) **IN GENERAL.**—There is an Inspector General for the Intelligence Community. The Inspector General is appointed in accordance with, and performs the duties, has the responsibilities, and exercises the powers specified in, section 17 of the Central Intelligence Agency Act of 1949 (50 U.S.C. 403q).

(b) **COORDINATION WITH INSPECTOR GENERAL OF THE DEPARTMENT OF DEFENSE.**—With respect to any audit, inspection, or investigation of any element of the Intelligence Community that is within the Department of Defense, the role of the Inspector General for the Intelligence Community shall be determined based upon consultations between the Director of Central Intelligence and the Secretary of Defense.

Subtitle D—Annual Reports

SEC. 141. ANNUAL REPORT ON INTELLIGENCE COMMUNITY ACTIVITIES.

(a) **IN GENERAL.**—The Director of Central Intelligence shall submit to Congress an annual report on the activities of the Intelligence Community. The annual report shall be unclassified.

(b) **MATTERS TO BE COVERED IN ANNUAL REPORT.**—Each report under this section shall describe—

- (1) the activities of the Intelligence Community during the preceding fiscal year, including significant successes and failures that can be described in an unclassified manner; and
- (2) the areas of the world and the issues that the Director expects will require increased or unusual attention from the Intelligence Community during the next fiscal year.

(c) **TIME FOR SUBMISSION.**—The report under this section for any year shall be submitted at the same time that the President submits the budget for the next fiscal year pursuant to section 1105 of title 31, United States Code.

TITLE II—INTELLIGENCE COMMUNITY MANAGEMENT

Subtitle A—Intelligence Community Functions

SEC. 201. COMMUNITY MANAGEMENT STAFF.

There is a Community Management Staff.

SEC. 202. FUNCTIONS OF THE COMMUNITY MANAGEMENT STAFF.

(a) **IN GENERAL.**—The Deputy Director of Central Intelligence for Community Management, acting through the Community Management Staff, shall provide corporate management of the following Intelligence Community-wide functions:

- (1) Requirements and collection management.
- (2) Planning, programming, budgeting, and accounting for the National Foreign Intelligence Program.
- (3) Research and development activities.

(b) COORDINATION WITH THE DMI STAFF.—The Deputy Director of Central Intelligence for Community Management shall coordinate the functions referred to in paragraphs (1) through (3) of subsection (a) with the Director of Military Intelligence.

Subtitle B—National Foreign Intelligence Program

SEC. 221. BUDGETS.

(a) PREPARATION.—The Deputy Director of Central Intelligence for Community Management, in consultation with the elements of the Intelligence Community, shall prepare the annual budgets of the National Foreign Intelligence Program.

(b) APPROVAL OF BUDGETS.—The Director of Central Intelligence shall approve the budgets prepared under subsection (a) before their incorporation in the National Foreign Intelligence Program.

(c) ACCOUNTING.—The Director of Central Intelligence, acting through the Deputy Director of Central Intelligence for Community Management, shall budget and account for financial resources on a community-wide basis by the functional categories of collection, processing, exploitation, analysis, dissemination, and infrastructure.

(d) IDENTIFICATION OF CONSTITUENT COMPONENTS OF BASE INTELLIGENCE BUDGET.—The Director of Central Intelligence shall include in the congressional budget justification materials provided to the congressional intelligence committees in connection with the annual submission of the National Foreign Intelligence Program for a fiscal year the same level of budgetary detail for that part of the National Foreign Intelligence Program budget identified as the Base Budget that is provided for that part of such budget identified as Ongoing Initiatives and New Initiatives.

SEC. 222. COMPTROLLER FUNCTIONS OF COMMUNITY MANAGEMENT STAFF.

(a) EXECUTION REVIEW.—The Community Management Staff shall perform budget execution review of elements of the Intelligence Community and shall have the authority to recommend to the comptroller of the Department of Defense that authorized and appropriated intelligence funds be withheld in those instances in which elements of the Intelligence Community within the Department of Defense are not complying with guidance from the Director of Central Intelligence or applicable law.

(b) ACCOUNTING SYSTEM.—The Deputy Director of Central Intelligence for Community Management shall establish and maintain an Intelligence Community-wide automated system for programming, budgeting, accounting, and execution review of the National Foreign Intelligence Program.

SEC. 223. LIMITATIONS ON TRANSFERS AND REPROGRAMMING.

(a) LIMITATION ON NEW USE OF FUNDS AVAILABLE FOR INTELLIGENCE ACTIVITIES.—Funds may not be made available through transfer, reprogramming, or other means between the Central Intelligence Agency or the Clandestine Service and the Department of Defense for any intelligence or special activity different from that previously justified to the Congress unless the Director of Central Intelligence or the Secretary of Defense notifies in advance the Permanent Select Committee on Intelligence of the House of Representatives, the Select Committee on Intelligence of the Senate, and the Committees on Appropriations of the Senate and House of Representatives of the intent to make such funds available for such activity.

(b) LIMITATION ON AMOUNTS TRANSFERRED.—The amount that may be transferred from any account of an element of the Intelligence Community for any fiscal year may not exceed five percent of the aggregate portion of the National Foreign Intelligence Program budget of that element for that fiscal year.

(c) LIMITATION ON TRANSFER OF FUNDS AVAILABLE FOR DRUG INTERDICTION OR COUNTER-DRUG PURPOSES.—None of the funds available to the Central Intelligence Agency or the Clandestine Service for any fiscal year for drug interdiction and counter-drug activities may be transferred to any other department or agency of the United States except as specifically provided in an appropriations law.

SEC. 224. TRANSFER OF FUNDS OR PERSONNEL WITHIN THE NATIONAL FOREIGN INTELLIGENCE PROGRAM.

(a) GENERAL AUTHORITY.—In addition to any other authorities available under law for such purposes, the Director of Central Intelligence, with the approval of the Director of the Office of Management and Budget, may transfer funds appropriated

for a program within the National Foreign Intelligence Program to another such program and, in accordance with procedures to be developed by the Director and the heads of affected departments and agencies, may transfer personnel authorized for an element of the Intelligence Community to another such element for periods up to a year.

(b) CONDITIONS.—A transfer of funds or personnel may be made under this section only if—

- (1) the funds or personnel are being transferred to an activity that is a higher priority intelligence activity;
- (2) the need for funds or personnel for such activity is based on unforeseen requirements;
- (3) the transfer does not involve a transfer of funds to the Reserve for Contingencies of the Director of Central Intelligence; and
- (4) the transfer does not involve a transfer of funds or personnel from the Federal Bureau of Investigation.

(c) AVAILABILITY OF TRANSFERRED FUNDS.—Funds transferred under this subsection shall remain available for the same period as the appropriations account to which such funds are transferred.

(d) NOTIFICATION OF CONGRESS.—Any transfer of funds under this section shall be carried out in accordance with existing procedures applicable to reprogramming notifications for the appropriate congressional committees. Any proposed transfer for which notice is given to the appropriate congressional committees shall be accompanied by a report explaining the nature of the proposed transfer and how it satisfies the requirements of this subsection. In addition, the congressional intelligence committees shall be promptly notified of any transfer of funds made pursuant to this subsection in any case in which the transfer would not have otherwise required reprogramming notification under procedures in effect as of October 24, 1992.

(e) REPORT ON PERSONNEL TRANSFERS.—The Director shall promptly submit to the congressional intelligence committees and, in the case of the transfer of personnel to or from the Department of Defense, the Committee on Armed Services of the Senate and the Committee on National Security of the House of Representatives, a report on any transfer of personnel made pursuant to this section. The Director shall include in any such report an explanation of the nature of the transfer and how it satisfies the requirements of this subsection.

SEC. 225. LIMITATION ON REPROGRAMMING.

No funds made available under the National Foreign Intelligence Program may be reprogrammed by any element of the Intelligence Community without the prior approval of the Director of Central Intelligence except in accordance with procedures issued by the Director.

Subtitle C—Personnel

SEC. 231. USE OF PERSONNEL.

The Director of Central Intelligence shall, in coordination with the heads of departments and agencies with elements in the Intelligence Community, institute policies and programs within the Intelligence Community—

- (1) to provide for the rotation of personnel between the elements of the Intelligence Community, where appropriate, and to make such rotated service a factor to be considered for promotion to senior positions;
- (2) to consolidate, wherever possible, personnel, administrative, and security programs to reduce the overall costs of these activities within the Intelligence Community;
- (3) to ensure the maintenance of effective performance evaluation systems with common standards throughout the national Intelligence Community; and
- (4) to develop a community-wide career development program that emphasizes corporate management skills.

SEC. 232. AUTHORITY TO TERMINATE EMPLOYMENT OF CERTAIN EMPLOYEES.

(a) IN GENERAL.—The Director of Central Intelligence may, in the Director's discretion, terminate the employment of any officer or employee of the Central Intelligence Agency, the Clandestine Service, or the Community Management Staff whenever the Director considers such termination to be necessary or advisable in the interests of the United States.

(b) OTHER EMPLOYMENT IN THE GOVERNMENT.—Any such termination does not affect the right of the individual whose employment is so terminated to seek or ac-

cept employment in any other department or agency of the Government if declared eligible for such employment by the Office of Personnel Management.

SEC. 233. INTELLIGENCE COMMUNITY RESERVE.

(a) **ESTABLISHMENT.**—The Director of Central Intelligence shall establish an Intelligence Community Reserve.

(b) **MEMBERS.**—The Intelligence Community Reserve may consist of former or retired personnel of elements of the Intelligence Community and of other qualified individuals, as determined by the Director of Central Intelligence. Each member of the Intelligence Community Reserve shall agree that, during any period of emergency (as determined by the Director), the member shall return to active civilian status within the Intelligence Community and shall perform such duties as the Director may assign.

(c) **MONETARY INCENTIVES.**—In order to attract individuals to become members of the Intelligence Community Reserve, the Director, without regard to subchapter IV of chapter 55 of title 5, United States Code, may provide special monetary incentives to individuals eligible to become members of the Reserve who agree to become members of the Intelligence Community Reserve and to acquire or retain proficiency in such skills as the Director shall specify.

(d) **TRAINING AND SUPPORT.**—In order to provide training and support for members of the Intelligence Community Reserve, the Director—

(1) may pay all or part of the expenses related to the training of individuals in the Intelligence Community Reserve; and

(2) may pay benefits and allowances in accordance with chapters 57 and 59 of title 5, United States Code, to individuals in the Intelligence Community Reserve who are assigned to training at sites away from their homes or regular places of business.

(e) **SERVICE AGREEMENTS.**—

(1) The Director, before providing training under this section to any individual, may obtain an agreement with that individual that—

(A) in the case of current employees, pertains to continuation of service of the employee, and repayment of the expenses of such training for failure to fulfill the agreement, consistent with the provisions of section 4108 of title 5, United States Code; and

(B) in the case of individuals accepted for membership in the Intelligence Community Reserve, pertains to return to service when requested, and repayment of the expenses of such training for failure to fulfill the agreement, consistent with the provisions of section 4108 of title 5, United States Code.

(2) The Director, under regulations prescribed under this section, may waive, in whole or in part, a right of recovery under an agreement made under this subsection if it is shown that the recovery would be against equity and good conscience or against the public interest.

(f) **APPLICABILITY OF VOLUNTARY SEPARATION PAY ACT.**—

(1) Participation in the Intelligence Community Reserve through the receipt of monetary incentives under subsection (c) does not constitute employment with the Government of the United States for purposes of the Central Intelligence Agency Voluntary Separation Pay Act (50 U.S.C. 403–4).

(2) Performing service in an active duty status under subsection (d) does constitute employment with the Government of the United States for purposes of the Central Intelligence Agency Voluntary Separation Pay Act (50 U.S.C. 403–4), and the repayment requirement of section 2(b) of that Act applies unless waived in accordance with such section 2(b).

Subtitle D—Infrastructure Support Office

SEC. 241. ESTABLISHMENT OF INFRASTRUCTURE SUPPORT OFFICE.

(a) **ESTABLISHMENT.**—There is within the Intelligence Community the Infrastructure Support Office.

(b) **DIRECTOR.**—The Office shall be headed by a Director, who shall be appointed by the Director of Central Intelligence.

SEC. 242. RESPONSIBILITIES OF DIRECTOR OF THE INFRASTRUCTURE SUPPORT OFFICE.

(a) **IN GENERAL.**—Under the direction of the Deputy Director of Central Intelligence for Community Management, the Director of the Infrastructure Support Office shall be responsible for administrative and logistical functions relating to infra-

structure and services of common concern to elements of the Intelligence Community. Such functions shall include the following:

- (1) Personnel management.
- (2) Security.
- (3) Community-level training.
- (4) Communications.
- (5) Automation.
- (6) Such additional functions as may be assigned by the Director of Central Intelligence.

(b) AUTOMATION EQUIPMENT.—The Director of the Infrastructure Support Office shall establish standards and information architectures for automation equipment throughout the Intelligence Community. The Director shall be responsible for life-cycle management, replacement, and upgrading of such equipment.

Subtitle E—Intelligence Community Administration

SEC. 251. SECRECY AGREEMENTS USED IN INTELLIGENCE ACTIVITIES.

Notwithstanding any other provision of law not specifically referencing this section, a nondisclosure policy form or agreement that is to be executed by a person connected with the conduct of an intelligence or intelligence-related activity, other than an employee or officer of the United States Government, may contain provisions appropriate to the particular activity for which such document is to be used. Such form or agreement shall, at a minimum—

- (1) require that the person will not disclose any classified information received in the course of such activity unless specifically authorized to do so by the United States Government; and
- (2) provide that the form or agreement does not bar—
 - (A) disclosures to Congress; or
 - (B) disclosures to an authorized official of an executive agency that are considered essential to reporting a violation of United States law.

SEC. 252. COORDINATION OF COUNTERINTELLIGENCE MATTERS WITH THE FEDERAL BUREAU OF INVESTIGATION.

(a) COORDINATION BY OTHER AGENCIES WITH FBI.—

(1) The head of each department or agency within the executive branch shall ensure that the Director of the Federal Bureau of Investigation is informed immediately of any information, regardless of its origin, which indicates that classified information is being, or may have been, disclosed in an unauthorized manner to a foreign power or an agent of a foreign power.

(2) Following the making of a report under paragraph (1), the head of the department or agency making the report shall ensure that the Director of the Federal Bureau of Investigation is consulted with respect to all subsequent actions that may be undertaken by the department or agency to determine the source of such unauthorized disclosure.

(3) When, after appropriate consultation with the head of the department or agency concerned, the Director of the Federal Bureau of Investigation undertakes investigative activities to determine the source of the unauthorized disclosure, the head of the department or agency concerned shall ensure that the Director is given complete and timely access to the employees and records of that department or agency for purposes of such investigative activities.

(b) COORDINATION BY FBI WITH OTHER AGENCIES.—

(1) The Director of the Federal Bureau of Investigation shall ensure that when the Bureau obtains espionage information pertaining to the personnel, operations, or information of another department or agency of the executive branch, such information is provided through appropriate channels to the head of that department or agency.

(2) The Director shall ensure that when the Bureau undertakes an espionage investigation which involves the personnel, operations, or information of another department or agency of the executive branch after a report is provided pursuant to subsection (a)(1), the head of that department or agency is consulted with respect to that investigation.

(c) PRESIDENTIAL WAIVER AUTHORITY.—

(1) When essential to meet extraordinary circumstances affecting vital national security interests of the United States as determined by the President, the President may, on a case-by-case basis, waive the requirements of sub-

section (a) or (b), as they apply to the head of a particular department or agency or to the Director of the Federal Bureau of Investigation.

(2) Such a waiver shall be in writing and shall fully state the justification for the waiver.

(3) Within 30 days after issuing such a waiver, the President shall notify the congressional intelligence committees that the waiver has been issued and, at that time or as soon thereafter as national security considerations permit, shall provide those committees with a complete explanation of the circumstances which necessitated the waiver.

(d) ANNUAL REPORT.—The Director of the Federal Bureau of Investigation shall, not later than February 1 of each year, submit to the congressional intelligence committees and, in accordance with applicable security procedures, the Committees on the Judiciary of the Senate and House of Representatives a report with respect to compliance with subsections (a) and (b) during the previous calendar year. Each such report shall be prepared in consultation with the Director of Central Intelligence and the Secretary of Defense.

(e) RELATIONSHIP TO DEPARTMENT OF DEFENSE AUTHORITY OVER PERSONS SUBJECT TO UCMJ.—Nothing in this section may be construed to—

(1) alter the jurisdictional arrangements in effect as of October 14, 1994, between the Federal Bureau of Investigation and the Department of Defense with respect to investigations of persons subject to the Uniform Code of Military Justice (chapter 47 of title 10, United States Code); or

(2) impose reporting requirements upon the Department of Defense with respect to such investigations beyond those required by law and executive branch policy as of October 14, 1994.

(f) DEFINITIONS.—As used in this section, the terms “foreign power” and “agent of a foreign power” have the meanings set forth in sections 101(a) and 101(b), respectively, of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1801).

SEC. 253. INTELLIGENCE COMMUNITY CONTRACTING.

The Director of Central Intelligence shall direct that elements of the Intelligence Community, whenever compatible with the national security interests of the United States and consistent with the operational and security concerns related to the conduct of intelligence activities, and where fiscally sound, shall award contracts in a manner that would maximize the procurement of products in the United States.

TITLE III—INTELLIGENCE COMMUNITY AGENCIES

Subtitle A—Central Intelligence Agency

SEC. 301. CENTRAL INTELLIGENCE AGENCY.

There is a Central Intelligence Agency. The Central Intelligence Agency is the principal all-source national intelligence analytical agency. The Director of Central Intelligence is the head of the Central Intelligence Agency and shall carry out the functions of the Central Intelligence Agency through the Deputy Director of Central Intelligence for the Central Intelligence Agency.

SEC. 302. DUTIES OF DIRECTOR OF CENTRAL INTELLIGENCE WITH REGARD TO THE CENTRAL INTELLIGENCE AGENCY.

The Director of Central Intelligence, as head of the Central Intelligence Agency, shall—

- (1) correlate and evaluate intelligence related to the national security of national intelligence; and
- (2) provide appropriate dissemination of such intelligence.

SEC. 303. FUNCTIONS OF THE CENTRAL INTELLIGENCE AGENCY.

The Director of Central Intelligence, as head of the Central Intelligence Agency, shall perform the following functions:

- (1) Correlating and evaluating intelligence related to national security collected from all sources available throughout the Intelligence Community and facilitating appropriate dissemination of such intelligence.

- (2) Coordinating analyses conducted by the elements of the Intelligence Community and establishing procedures for collaborative all-source analysis.

- (3) Producing national intelligence estimates.

(4) Managing the acquisition and incorporation of all-source intelligence into the community all-source analytical process.

Subtitle B—The Clandestine Service

SEC. 321. THE CLANDESTINE SERVICE.

(a) ESTABLISHMENT.—There is within the executive branch of Government an independent entity designated as the Clandestine Service. The Director of Central Intelligence is the head of the Clandestine Service.

(b) DIRECTOR.—The Clandestine Service shall be administered by a Director, who shall report directly to the Director of Central Intelligence. The Director of the Clandestine Service shall be appointed from among intelligence professionals and shall have extensive current or prior experience within the Intelligence Community. The Director of the Clandestine Service may not be an active-duty member of the Armed Forces.

(c) DEPUTY DIRECTORS.—

(1) There shall be such deputy directors of the Clandestine Service as the Director of Central Intelligence may designate.

(2)(A) One of the deputy directors shall be a Deputy Director for Clandestine Military Activities and Support.

(B) The Deputy Director for Clandestine Military Activities and Support shall be responsible for coordination between the Clandestine Service and the various military and defense elements of the Intelligence Community.

(C) The Deputy Director for Clandestine Military Activities and Support shall be responsible for the functions of the Clandestine Service carried out through elements of the Department of Defense.

(D) The Deputy Director for Clandestine Military Activities and Support shall be selected from active duty professional military intelligence officers in the grade of major general or rear admiral.

SEC. 322. FUNCTIONS OF THE CLANDESTINE SERVICE.

(a) IN GENERAL.—The functions to be carried out through the Director of the Clandestine Service are the following:

(1) Collecting national intelligence clandestinely through human sources and by other appropriate means, using the elements of the Intelligence Community authorized to undertake such collection.

(2) Ensuring that the most effective use is made of resources authorized for the purposes of paragraph (1) and minimizing the risks to the United States inherent in clandestine collection operations.

(3) Managing the administrative and technical support activities of the Intelligence Community necessary to carrying out clandestine collection and existing principally to support the activities of the Clandestine Service.

(4) Performing such other functions as the Director of Central Intelligence may direct.

(b) CLANDESTINE HUMAN INTELLIGENCE COLLECTION.—All national clandestine human intelligence collection activities are subject to the authority of the Director of the Clandestine Service, including clandestine human intelligence collection activities of the Department of Defense.

SEC. 323. APPLICABLE STATUTES.

Any reference as of the date of the enactment of this Act to the Central Intelligence Agency in any provision of law, or in any directive, rule, regulation, order, or other document of the United States, shall be treated for all purposes as including a reference to the Clandestine Service.

Subtitle C—The National Intelligence Evaluation Council

SEC. 331. NATIONAL INTELLIGENCE EVALUATION COUNCIL.

(a) ESTABLISHMENT.—There is within the Intelligence Community the National Intelligence Evaluation Council.

(b) MEMBERS.—The National Intelligence Evaluation Council shall be composed of senior analysts within the Intelligence Community and may include substantive experts from the public and private sector. Members of the Council shall be appointed by, report to, and serve at the pleasure of, the Director of Central Intel-

ligence. The Director of Central Intelligence shall appoint the head of the Council from among its members, who shall report directly to the Director of Central Intelligence.

(c) SECURITY REQUIREMENTS.—The Director of Central Intelligence shall prescribe appropriate security requirements for personnel appointed from the private sector as a condition of service on the Council to ensure the protection of intelligence sources and methods while avoiding, wherever possible, unduly intrusive requirements which the Director considers to be unnecessary for this purpose.

SEC. 332. FUNCTIONS OF THE NATIONAL INTELLIGENCE EVALUATION COUNCIL.

The National Intelligence Evaluation Council shall evaluate Intelligence Community-wide collection and production of intelligence, as well as the requirements and resources for such collection and production. Such evaluation shall be performed in consultation with both Deputy Directors of Central Intelligence and with the Director of Military Intelligence.

SEC. 333. STAFFING OF THE NATIONAL INTELLIGENCE EVALUATION COUNCIL.

The Director of Central Intelligence shall make available to the National Intelligence Evaluation Council such staff as may be necessary to permit the Council to carry out its responsibilities under this subtitle and shall take appropriate measures to ensure that the Council and its staff satisfy the needs of policymaking officials and other consumers of intelligence.

TITLE IV—DEPARTMENT OF DEFENSE FUNCTIONS IN THE INTELLIGENCE COMMUNITY

Subtitle A—Secretary of Defense

SEC. 401. OVERALL SECRETARY OF DEFENSE FUNCTIONS.

The Secretary of Defense shall perform such intelligence functions as may be directed by the President by Executive order or otherwise.

SEC. 402. REQUIREMENT THAT BUDGETS FOR INTELLIGENCE COMPONENTS BE ADEQUATE.

The Secretary of Defense shall ensure that the budgets of the elements of the Intelligence Community within the Department of Defense for any fiscal year are adequate to satisfy the overall intelligence needs of the Department of Defense, including—

- (1) the needs of the chairman of the Joint Chiefs of Staff;
- (2) the needs of the commanders of the unified and specified commands; and
- (3) the needs of other departments and agencies, as appropriate.

SEC. 403. IMPLEMENTATION OF DIRECTOR OF CENTRAL INTELLIGENCE POLICIES AND RESOURCE DECISIONS.

The Secretary of Defense shall ensure appropriate implementation of the policies and resource decisions of the Director of Central Intelligence by elements of the Department of Defense within the National Foreign Intelligence Program.

SEC. 404. RELATIONSHIP OF NFIP ACTIVITIES TO TACTICAL INTELLIGENCE ACTIVITIES.

The Secretary of Defense shall ensure that the tactical intelligence activities of the Department of Defense complement, and are compatible with, intelligence activities under the National Foreign Intelligence Program. The Secretary shall carry out this section through the Director of Military Intelligence.

SEC. 405. RESPONSIVENESS TO OPERATIONAL MILITARY FORCES.

The Secretary of Defense shall ensure that the elements of the Intelligence Community within the Department of Defense are responsive and timely with respect to satisfying the needs of operational military forces.

SEC. 406. ELIMINATION OF WASTE AND UNNECESSARY DUPLICATION.

The Secretary of Defense shall eliminate waste and unnecessary duplication among the intelligence activities of the Department of Defense.

SEC. 407. JOINT AND CORPORATE CONDUCT OF DEFENSE INTELLIGENCE ACTIVITIES.

The Secretary of Defense shall ensure that, when appropriate, intelligence activities of the Department of Defense are conducted (1) jointly, and (2) cooperatively with elements of the Intelligence Community outside the Department of Defense.

SEC. 408. USE OF ELEMENTS OF DEPARTMENT OF DEFENSE.

The Secretary of Defense, in carrying out the functions of the Secretary under this Act, may use such elements of the Department of Defense as may be appropriate for the execution of those functions, in addition to, or in lieu of, the elements specifically identified in this Act for the performance of those functions.

Subtitle B—Director of Military Intelligence

SEC. 421. DIRECTOR OF MILITARY INTELLIGENCE.

(a) **ESTABLISHMENT OF POSITION.**—There is a Director of Military Intelligence, appointed by the President, by and with the advice and consent of the Senate, from the officers of the regular components of the Armed Forces on active duty. The Director, while so serving, holds the grade of lieutenant general or vice admiral.

(b) **NOMINATION.**—A recommendation by the Secretary of Defense to the President for appointment of an officer as Director of Military Intelligence may be made only with the concurrence of the Director of Central Intelligence.

SEC. 422. FUNCTIONS OF THE DIRECTOR OF MILITARY INTELLIGENCE.

(a) **SENIOR MILITARY INTELLIGENCE ADVISER.**—The Director of Military Intelligence is the senior military intelligence adviser to the Secretary of Defense.

(b) **DIRECTOR OF DIA.**—The Director of Military Intelligence is the Director of the Defense Intelligence Agency.

(c) **PROGRAM MANAGER FOR JMIP.**—The Director of Military Intelligence is the program manager for the Joint Military Intelligence Program (or any successor program).

(d) **PROGRAM COORDINATOR FOR TIARA.**—The Director of Military Intelligence is the program coordinator for the activities in the Department of Defense known as Tactical Intelligence and Related Activities (TIARA).

SEC. 423. ROLE OF DIRECTOR OF MILITARY INTELLIGENCE IN THE INTELLIGENCE COMMUNITY.

(a) **NATIONAL INTELLIGENCE.**—The Director of Military Intelligence, as director of the Defense Intelligence Agency, is accountable to the Director of Central Intelligence in matters relative to the collection and prosecution of national intelligence.

(b) **INTELLIGENCE REQUIREMENTS OF THE SECRETARY OF DEFENSE AND THE JOINT CHIEFS OF STAFF.**—The Director of Military Intelligence shall be responsible for ensuring that the intelligence requirements of the Secretary of Defense and the Joint Chiefs of Staff are met.

SEC. 424. PLANNING AND BUDGET FUNCTIONS.

(a) **JMIP RESPONSIBILITY.**—The Director of Military Intelligence is responsible within the Department of Defense for development and submission of the Joint Military Intelligence Program for any fiscal year.

(b) **TIARA RESPONSIBILITY.**—The Director is responsible within the Department of Defense for coordination of the development and submission of the budget for any fiscal year for programs, projects, and activities included within Tactical Intelligence and Related Activities.

(c) **OVERALL BUDGET COORDINATION.**—The Director is the central point of contact in the Department of Defense for budget coordination with the Deputy Director of Central Intelligence for Community Management relating to the development and submission of the National Foreign Intelligence Program for any fiscal year.

SEC. 425. STAFF.

The Director of Military Intelligence shall have a staff sufficient to enable the Director to carry out the functions of the Director, including responsibilities with respect to budget development, planning, programming, and coordination. The Director shall ensure that the staff acts in a coordinated and corporate way with the Community Management Staff and the Infrastructure Support Office.

Subtitle C—The Military Departments

SEC. 441. INTELLIGENCE CAPABILITIES OF THE MILITARY DEPARTMENTS.

(a) **REQUIREMENT FOR MAINTENANCE OF CAPABILITIES.**—Under the direction of the Secretary of Defense, the Secretaries of the military departments shall maintain sufficient capabilities to collect and produce intelligence to meet—

(1) the requirements of the Director of Central Intelligence;

- (2) the requirements of the Secretary of Defense or the Chairman of the Joint Chiefs of Staff; and
- (3) the specialized requirements of the military departments for intelligence necessary to support—
 - (A) tactical commanders;
 - (B) military planners;
 - (C) the research and development process;
 - (D) the acquisition of military equipment; and
 - (E) training and doctrine.

(b) LEVEL AND FORM OF CAPABILITIES TO BE MAINTAINED.—The Secretaries of the military departments shall ensure that the capabilities maintained pursuant to subsection (a) do not exceed that which is necessary to satisfy the requirements of their respective departments. To the extent feasible, the Secretaries shall provide for such capabilities to be maintained jointly and in the most efficient and cost-effective form.

Subtitle D—Planning and Budgeting

SEC. 451. JOINT MILITARY INTELLIGENCE PROGRAM.

(a) IN GENERAL.—The Joint Military Intelligence Program consists of those programs, projects, and activities of the Department of Defense that are intended to provide intelligence, surveillance, and reconnaissance capabilities that support multiple defense-wide or joint theater-level consumers.

(b) COMPONENTS.—The Joint Military Intelligence Program includes the programs, projects, and activities that as of the date of the enactment of this Act are designated as follows:

- (1) The Defense Imagery Program.
- (2) The Defense Cryptologic Program.
- (3) The Defense Mapping, Charting, and Geodesy Program.
- (4) The Defense General Intelligence Applications Program, including—
 - (A) the Defense Airborne Reconnaissance Program;
 - (B) the Defense Space Reconnaissance Program;
 - (C) the Defense Intelligence Counterdrug Program;
 - (D) the Defense Intelligence Tactical Program; and
 - (E) the Defense Intelligence Special Technologies Program.

(c) ADDITIONAL COMPONENTS.—The Joint Military Intelligence Program includes such additional programs, projects, and activities as are specified by law or are designated by the Secretary of Defense.

SEC. 452. TACTICAL INTELLIGENCE AND RELATED ACTIVITIES (TIARA).

(a) IN GENERAL.—The set of programs, projects, and activities in the Department of Defense referred to as Tactical Intelligence and Related Activities are those programs, projects, and activities of the Department of Defense that—

- (1) provide intelligence, surveillance, and reconnaissance capabilities that are unique to one of the military services; and
- (2) are part of a force structure organic to one of the military services at the component level and below.

(b) INCLUDED PERSONNEL ACTIVITIES.—Those activities include activities that train personnel for intelligence duties or provide an intelligence reserve.

(c) CERTAIN WEAPONS TARGETING PROGRAMS EXCLUDED.—Those activities do not include programs that are so closely integrated with a weapons system that their primary function is to provide immediate-use targeting data.

SEC. 453. NOTICE TO CONGRESS OF CHANGES IN JMIP AND TIARA.

The Secretary of Defense may not add to or remove program elements from (other than a change provided by law) the Joint Military Intelligence Program or the Tactical Intelligence and Related Activities aggregation for any fiscal year unless the Secretary included notice of the proposed change with the budget justification materials submitted to the congressional intelligence committees for the preceding fiscal year. The Secretary shall include with any such notice a statement providing an explanation and justification for the proposed change.

TITLE V—DEPARTMENT OF DEFENSE AGENCIES IN THE INTELLIGENCE COMMUNITY

Subtitle A—Defense Intelligence Agency

SEC. 501. DEFENSE INTELLIGENCE AGENCY GENERALLY.

(a) IN GENERAL.—There is within the Department of Defense a Defense Agency designated as the Defense Intelligence Agency. The Director of Military Intelligence is the head of the Defense Intelligence Agency.

(b) SUPERVISION.—The Director of Military Intelligence shall carry out the Director's responsibilities as head of the Defense Intelligence Agency under the direction of the Secretary of Defense and subject to the authority and guidance of the Director of Central Intelligence for those activities that support national intelligence requirements.

SEC. 502. FUNCTIONS OF THE DEFENSE INTELLIGENCE AGENCY.

(a) PRODUCTION.—The Director of Military Intelligence, in the Director's capacity as head of the Defense Intelligence Agency, shall produce timely, objective military and military-related intelligence, independent of political considerations or bias and based upon all sources available to the Intelligence Community.

(b) DISSEMINATION OF INTELLIGENCE.—The Director shall ensure the appropriate dissemination of intelligence produced pursuant to subsection (a) to authorized recipients.

(c) MANAGEMENT OF JOINT INTELLIGENCE CENTER.—The Director shall manage the Joint Intelligence Center as provided by section 923 of Public Law 102-190 (10 U.S.C. 201 note; 105 Stat. 1453).

(d) COORDINATION.—The Director shall coordinate the exercise pursuant to section 924 of Public Law 102-190 (10 U.S.C. 113 note; 105 Stat. 1454) of national intelligence collections systems and exploitation organizations that would be used to provide intelligence support, including support of the combatant commands, during a crisis or conflict.

(e) DEFENSE ATTACHE SYSTEM.—The Director shall manage the Defense Attaché system.

(f) ADDITIONAL FUNCTIONS.—The Director shall perform such additional services of common concern to the intelligence elements of the Department of Defense as the Secretary of Defense determines can be more efficiently accomplished centrally.

Subtitle B—Technical Collection Agency

SEC. 521. ESTABLISHMENT OF TECHNICAL COLLECTION AGENCY.

(a) ESTABLISHMENT OF AGENCY.—There is within the Department of Defense a Defense Agency designated as the Technical Collection Agency. The mission of the Technical Collection Agency is to collect, and to carry out exploitation of, all forms of intelligence other than human intelligence and open-source intelligence, including the following:

- (1) SIGINT.—Signals Intelligence.
- (2) IMINT.—Imagery Intelligence.
- (3) MASINT.—Measurement and Signatures Intelligence.

(b) DIRECTOR.—The Director of the Technical Collection Agency may be a civilian employee of the Department of Defense or an officer of the Armed Forces on active duty. If the Director is a civilian, or an officer of the Armed Forces in a grade below lieutenant general or vice admiral, the Director shall be appointed by the Secretary of Defense, with the concurrence of the Director of Central Intelligence. If the Director is an officer of the Armed Forces to be appointed by the President under section 601 of title 10, United States Code, to serve as Director in the grade of lieutenant general or vice admiral (or above), the Secretary of Defense may submit a recommendation to the President for such appointment only with the concurrence of the Director of Central Intelligence.

(c) SUPERVISION OF DIRECTOR.—The Director carries out the Director's duties under the direction of the Secretary of Defense. The Director's duties include supporting requirements for national intelligence, and the Director shall carry out those duties subject to tasking by the Director of Central Intelligence.

SEC. 522. SIGINT, IMINT, AND MASINT FUNCTIONS.

The Director of the Technical Collection Agency shall be responsible for—

- (1) the establishing and giving direction for the conduct of technical collection intelligence activities, including signals intelligence (SIGINT), imagery intelligence (IMINT), and measurement and signatures intelligence (MASINT);
- (2) the first-phase (or initial) exploitation of the results of such collection;
- (3) the dissemination of the product of such collection in a timely manner to authorized recipients within the Government; and
- (4) the development of processing and exploitation technologies to support these functions.

SEC. 523. RECONNAISSANCE SYSTEMS.

The Director of the Technical Collection Agency shall serve as the sole agent within the Intelligence Community for—

- (1) the specification of technical requirements for such reconnaissance systems as may be needed to meet the signals intelligence, imagery intelligence, and measurement and signatures intelligence collection requirements of the Intelligence Community; and
- (2) the operation and final disposition of such systems.

SEC. 524. APPLICABLE STATUTES.

Any reference to the National Security Agency in any provision of law, or in any directive, rule, regulation, order, or other document of the United States, shall be treated for all purposes as referring to the Technical Collection Agency.

Subtitle C—Technology Development Office

SEC. 531. ESTABLISHMENT OF THE TECHNOLOGY DEVELOPMENT OFFICE.

(a) **ESTABLISHMENT.**—There is within the Department of Defense a Technology Development Office, which shall be headed by a Director.

(b) **DIRECTOR.**—The Director of the Technology Development Office may be a civilian employee of the Department of Defense or an officer of the Armed Forces on active duty. If the Director is a civilian, or an officer of the Armed Forces in a grade below lieutenant general or vice admiral, the Director shall be appointed by the Secretary of Defense, with the concurrence of the Director of Central Intelligence. If the Director is an officer of the Armed Forces to be appointed by the President under section 601 of title 10, United States Code, to serve as Director in the grade of lieutenant general or vice admiral (or above), the Secretary of Defense may submit a recommendation to the President for such appointment only with the concurrence of the Director of Central Intelligence.

(c) **MILITARY OFFICER SERVING AS DIRECTOR.**—If the position of Director of the Technology Development Office is held by an officer of the Armed Forces on the active-duty list, the officer while so serving shall hold the grade of lieutenant general or vice admiral.

(d) **SUPERVISION.**—The Director of the Technology Development Office carries out the Director's duties subject to the direction of the Secretary of Defense. The Director shall carry out those duties to support the needs for national intelligence and is subject to tasking by the Director of Central Intelligence.

SEC. 532. RESPONSIBILITIES FOR SATELLITE RECONNAISSANCE SYSTEMS.

The Director of the Technology Development Office shall serve as the sole agent within the Intelligence Community for the conduct of research, development, test, and evaluation, for procurement, and for launch of satellite reconnaissance systems that may be required to satisfy the intelligence collection requirements of the Intelligence Community.

SEC. 533. ACQUISITION AND OPERATION OF OTHER RECONNAISSANCE AND SENSOR SYSTEMS.

The Director of the Technology Development Office shall function as the primary agent within the Intelligence Community for the conduct of research, development, test, evaluation and for procurement of reconnaissance, surveillance, and sensor systems, including airborne and maritime reconnaissance capabilities within the National Foreign Intelligence Program and the Joint Military Intelligence Program.

SEC. 534. APPLICABLE LAWS.

The provisions of section 8 of the Central Intelligence Agency Act of 1949 (50 U.S.C. 403j) shall apply to the funds appropriated for the Technology Development

Office through the National Foreign Intelligence Program in the same manner as those provisions apply to funds appropriated for the Central Intelligence Agency.

TITLE VI—NATIONAL SECURITY COUNCIL AND RELATED BOARDS AND COMMITTEES

SEC. 601. RECODIFICATION OF LAWS RELATING TO NATIONAL SECURITY COUNCIL AND RELATED BOARDS AND COMMITTEES IN EXECUTIVE OFFICE OF THE PRESIDENT.

Title I of the National Security Act of 1947 is amended by striking out the title heading and sections 101 through 107 and inserting in lieu thereof the following:

“TITLE I—NATIONAL SECURITY COUNCIL AND RELATED BOARDS AND COMMITTEES

“SEC. 101. NATIONAL SECURITY COUNCIL.

“(a) IN GENERAL.—There is in the Executive Office of the President the National Security Council. The Council is composed of the following:

- “(1) The President.
- “(2) The Vice President.
- “(3) The Secretary of State.
- “(4) The Secretary of Defense.

“(b) ADDITIONAL PARTICIPANTS.—Subject to the direction of the President, the following officers may attend and participate in meetings of the National Security Council:

“(1) DIRECTOR OF CENTRAL INTELLIGENCE.—The Director of Central Intelligence (or, in the Director's absence, a Deputy Director of Central Intelligence), in the performance of the Director's duties under this Act and the Intelligence Community Act.

“(2) CHAIRMAN OF THE JOINT CHIEFS OF STAFF.—The Chairman (or, in the Chairman's absence, the Vice Chairman) of the Joint Chiefs of Staff, in the Chairman's role as principal military adviser to the National Security Council.

“(3) DIRECTOR OF NATIONAL DRUG CONTROL POLICY.—The Director of National Drug Control Policy, in the Director's role as principal adviser to the National Security Council on national drug control policy, but only through the date specified in section 1009 of the National Narcotics Leadership Act of 1988 (21 U.S.C. 1506).

“(4) OTHERS DESIGNATED BY THE PRESIDENT.—Such additional officers as may be designated by the President.

“(c) FUNCTIONS.—The function of the Council shall be to advise the President with respect to the integration of domestic, foreign, and military policies relating to the national security so as to enable the military services and the other departments and agencies of the Government to cooperate more effectively in matters involving the national security. In addition to performing such other functions as the President may direct, the Council (subject to the direction of the President) shall, for the purpose of more effectively coordinating the policies and functions of the departments and agencies of the Government relating to the national security—

“(1) assess and appraise the objectives, commitments, and risks of the United States in relation to our actual and potential military power, in the interest of national security, for the purpose of making recommendations to the President in connection therewith; and

“(2) consider policies on matters of common interest to the departments and agencies of the Government concerned with the national security and make recommendations to the President in connection therewith.

“(d) RECOMMENDATIONS AND REPORTS.—The Council shall, from time to time, make such recommendations and such other reports to the President as it considers appropriate or as the President may require.

“(e) STAFF.—The Council shall have a staff to be headed by a civilian executive secretary who shall be appointed by the President. The executive secretary, subject to the direction of the Council, may subject to the civil-service laws, appoint and fix the compensation of such personnel as may be necessary to perform such duties as may be prescribed by the Council in connection with the performance of its functions.

"SEC. 104. BOARD FOR LOW INTENSITY CONFLICT.

"(a) ESTABLISHMENT OF BOARD.—The President shall establish within the National Security Council a board to be known as the 'Board for Low Intensity Conflict'.

"(b) FUNCTION.—The principal function of the board shall be to coordinate the policies of the United States for low intensity conflict.

"SEC. 105. NATIONAL COUNTERINTELLIGENCE POLICY BOARD.

"(a) ESTABLISHMENT OF BOARD.—There is within the executive branch of the Government a National Counterintelligence Policy Board. The Board shall report to the President through the National Security Council.

"(b) FUNCTION OF THE BOARD.—The Board shall serve as the principal mechanism for—

"(1) developing policies and procedures for the approval of the President to govern the conduct of counterintelligence activities; and

"(2) resolving conflicts, as directed by the President, which may arise between elements of the Government which carry out such activities.".

SEC. 602. COMMITTEE ON FOREIGN INTELLIGENCE.

Title I of the National Security Act of 1947, as amended by section 601, is further amended by inserting after section 101 the following new section 103:

"SEC. 103. COMMITTEE ON FOREIGN INTELLIGENCE.

"(a) ESTABLISHMENT OF COMMITTEE.—There is established within the National Security Council a Committee on Foreign Intelligence. The Committee shall be composed of the following:

"(1) The Assistant to the President for National Security Affairs, who shall serve as chairman of the Committee.

"(2) The following officers or their respective deputies:

"(A) The Director of Central Intelligence.

"(B) The Secretary of State.

"(C) The Secretary of Defense.

"(D) The Attorney General.

"(E) The Chairman of the Joint Chiefs of Staff.

"(3) Such other members as the President may designate.

"(b) FUNCTION.—The function of the Committee on Foreign Intelligence shall be—

"(1) to establish, consistent with the policy and objectives of the President, the overall requirements and priorities for the Intelligence Community; and

"(2) to assess regularly, on behalf of the President, how effectively the Intelligence Community has performed its responsibilities under this Act and the Intelligence Community Act.

"(c) SEMIANNUAL STRATEGIC INTELLIGENCE REVIEW PROCESS WITH CONGRESS.

Not less often than every six months, the Committee on Foreign Intelligence shall convene a meeting with the members of the congressional intelligence committees to conduct a comprehensive, global strategic intelligence review. Each semiannual meeting shall review significant strategic intelligence trends, strategic intelligence reporting, and anticipated Intelligence Community requirements for the following six to twelve months.".

SEC. 603. PROHIBITION OF DIRECT PARTICIPATION BY NATIONAL SECURITY COUNCIL STAFF IN EXECUTION OF INTELLIGENCE OPERATIONS.

Title I of the National Security Act of 1947, as amended by sections 601 and 602, is further amended by inserting after section 101 the following new section 102:

"SEC. 102. PROHIBITION OF DIRECT PARTICIPATION BY NSC STAFF IN EXECUTION OF INTELLIGENCE OPERATIONS.

"An employee of, or an individual detailed or assigned to the staff of, the National Security Council may not participate directly in the execution of an intelligence operation.".

TITLE VII—TECHNICAL AND CONFORMING AMENDMENTS

Subtitle A—Amendments Related to Creation of Technical Collection Agency

SEC. 701. ROLE AS DEFENSE AGENCY.

(a) OVERSIGHT OF DEFENSE AGENCIES BY SECRETARY OF DEFENSE.—Section 192 of title 10, United States Code, is amended by striking out “National Security Agency” each place it appears in subsections(a)(3) and (c)(2) and inserting in lieu thereof “Technical Collection Agency”.

(b) STATUS AS COMBAT SUPPORT AGENCY.—Section 193 of title 10, United States Code, is amended—

(1) by striking out “National Security Agency” each place it appears and inserting in lieu thereof “Technical Collection Agency”;

(2) by striking out “NATIONAL SECURITY AGENCY” in the heading for subsection (d) and inserting in lieu thereof “TECHNICAL COLLECTION AGENCY”; and

(3) by striking out “NSA” in the heading for subsection (e) and inserting in lieu thereof “TCA”.

(c) APPLICABILITY OF PERSONNEL LIMITATIONS.—Section 194(d) of title 10, United States Code, is amended by striking out “EXCLUSION” and all that follows through “shall” and inserting in lieu thereof “EXCLUSION OF TCA.—The Technical Collection Agency shall”.

SEC. 702. RESTATEMENT OF NATIONAL SECURITY AGENCY ACT OF 1959.

The National Security Agency Act of 1959 (50 U.S.C. 402 note) is amended to read as follows:

“SECTION 1. SHORT TITLE.

“This Act may be cited as the ‘Technical Collection Agency Act of 1996’.

“SEC. 2. GENERAL PERSONNEL AUTHORITY.

“(a) AUTHORITY TO ESTABLISH POSITIONS AND APPOINT EMPLOYEES.—The Secretary of Defense—

“(1) may establish such positions in the Technical Collection Agency as may be necessary to carry out the functions of such agency; and

“(2) may appoint thereto, without regard to the civil service laws, officers and employees.

“(b) PAY.—The rates of basic pay for such positions shall be fixed by the Secretary of Defense in relation to the rates of basic pay provided for in subpart D of part III of title 5, United States Code, for positions subject to that title which have corresponding levels of duties and responsibilities. Except as otherwise provided by law, no officer or employee of the Technical Collection Agency may be paid basic pay at a rate in excess of the maximum rate payable under section 5376 of such title, and not more than 70 such officers and employees may be paid within the range of rates authorized in section 5376 of such title.

“SEC. 3. OTHER COMPENSATION, BENEFITS, INCENTIVES, AND ALLOWANCES.

“The Secretary of Defense may provide officers and employees of the Technical Collection Agency compensation (in addition to basic pay), benefits, incentives, and allowances which are consistent with, and do not exceed the levels authorized for, such compensation, benefits, incentives, or allowances by title 5, United States Code.

“SEC. 4. PROFESSIONAL ENGINEERING AND SCIENTIFIC POSITIONS.

“(a) AUTHORITY TO ESTABLISH POSITIONS.—The Secretary of Defense may—

“(1) establish in the Technical Collection Agency (A) professional engineering positions primarily concerned with research and development, and (B) professional positions in the physical and natural sciences, medicine, and cryptology; and

“(2) fix the respective rates of pay of such positions at rates equal to rates of basic pay contained in grades 16, 17, and 18 of the General Schedule set forth in section 5332 of title 5, United States Code.

“(b) APPLICABILITY OF MAXIMUM NUMBER FOR WHOM PAY RATES MAY BE PAID.—Officers and employees appointed to positions established under this section shall be in addition to the number of officers and employees appointed to positions

under section 2 of this Act who may be paid at rates equal to rates of basic pay contained in grades 16, 17, and 18 of the General Schedule.

"SEC. 5. AUTHORITY FOR ADDITIONAL COMPENSATION FOR CERTAIN EMPLOYEES.

"Officers and employees of the Technical Collection Agency who are citizens or nationals of the United States may be granted additional compensation, in accordance with regulations which shall be prescribed by the Secretary of Defense, not in excess of additional compensation authorized by section 5941 of title 5, United States Code, for employees whose rates of basic compensation are fixed by statute.

"SEC. 6. PROTECTION OF IDENTITIES OF EMPLOYEES.

"(a) **NONDISCLOSURE OF ORGANIZATION, FUNCTIONS, OR PERSONNEL OF AGENCY.**—Except as provided in subsection (b), nothing in this Act or any other law shall be construed to require the disclosure of the organization or any function of the Technical Collection Agency, of any information with respect to the activities thereof, or of the names, titles, salaries, or number of the persons employed by such agency.

"(b) **APPLICABILITY OF CERTAIN REPORTING REQUIREMENTS.**—The reporting requirements of section 1582 of title 10, United States Code, shall apply to positions established in the Technical Collection Agency in the manner provided by section 4 of this Act.

"SEC. 7. AUTHORITY TO LEASE REAL PROPERTY OUTSIDE THE UNITED STATES.

"(a) **AUTHORITY.**—Notwithstanding section 322 of the Act of June 30, 1932 (40 U.S.C. 278a), section 5536 of title 5, United States Code, and section 2675 of title 10, United States Code, the Director of the Technical Collection Agency, on behalf of the Secretary of Defense, may lease real property outside the United States, for periods not exceeding ten years, for the use of the Technical Collection Agency for special cryptologic activities and for housing for personnel assigned to such activities.

"(b) **LIMITATION TO APPROPRIATED FUNDS.**—The authority of the Director of the Technical Collection Agency, on behalf of the Secretary of Defense, to make payments under subsection (a), and under contracts for leases entered into under subsection (a), is effective for any fiscal year only to the extent that appropriated funds are available for such purpose.

"SEC. 8. BENEFITS FOR PERSONNEL ASSIGNED TO SPECIAL CRYPTOLOGIC ACTIVITIES OUTSIDE THE UNITED STATES.

"(a) **AUTHORITY TO PROVIDE CERTAIN BENEFITS.**—The Director of the Technical Collection Agency, on behalf of the Secretary of Defense, may provide to certain civilian and military personnel of the Department of Defense who are assigned to special cryptologic activities outside the United States and who are designated by the Secretary of Defense for the purposes of this subsection the following:

“(1) Allowances and benefits—

“(A) comparable to those provided by the Secretary of State to members of the Foreign Service under chapter 9 of title I of the Foreign Service Act of 1980 (22 U.S.C. 4081 et seq.) or any other provision of law; and

“(B) in the case of selected personnel serving in circumstances similar to those in which personnel of the Central Intelligence Agency serve, comparable to those provided by the Director of Central Intelligence to personnel of the Central Intelligence Agency.

“(2) Housing (including heat, light, and household equipment) without cost to such personnel, if the Director of the Technical Collection Agency, on behalf of the Secretary of Defense, determines that it would be in the public interest to provide such housing.

“(3) Special retirement accrual in the same manner provided in section 303 of the Central Intelligence Agency Retirement Act (50 U.S.C. 2153) and in section 18 of the Central Intelligence Agency Act of 1949.

“(b) **LIMITATION TO APPROPRIATED FUNDS.**—The authority of the Director of the Technical Collection Agency, on behalf of the Secretary of Defense, to make payments under subsection (a) is effective for any fiscal year only to the extent that appropriated funds are available for such purpose.

“(c) **PROHIBITION OF DUPLICATION OF BENEFITS.**—Members of the Armed Forces may not receive benefits under both subsection (a)(1) and title 37, United States Code, for the same purpose. The Secretary of Defense shall prescribe such regulations as may be necessary to carry out this subsection.

“(d) **REGULATIONS.**—Regulations prescribed under subsection (a)(1) shall be submitted to the Permanent Select Committee on Intelligence of the House of Rep-

resentatives and the Select Committee on Intelligence of the Senate before such regulations take effect.

"SEC. 9. LANGUAGE TRAINING FOR CRYPTOLOGIC PERSONNEL.

"(a) **LANGUAGE TRAINING PROGRAMS.**—The Director of the Technical Collection Agency shall arrange for, and shall prescribe regulations concerning, language and language-related training programs for military and civilian cryptologic personnel. In establishing programs under this section for language and language-related training, the Director—

"(1) may provide for the training and instruction to be furnished, including functional and geographic area specializations;

"(2) may arrange for training and instruction through other Government agencies and, in any case in which appropriate training or instruction is unavailable through Government facilities, through nongovernmental facilities that furnish training and instruction useful in the fields of language and foreign affairs;

"(3) may support programs that furnish necessary language and language-related skills, including, in any case in which appropriate programs are unavailable at Government facilities, support through contracts, grants, or cooperation with nongovernmental educational institutions; and

"(4) may obtain by appointment or contract the services of individuals to serve as language instructors, linguists, or special language project personnel.

"(b) **FOREIGN LANGUAGE PROFICIENCY INCENTIVES.**—(1) In order to maintain necessary capability in foreign language skills and related abilities needed by the Technical Collection Agency, the Director, without regard to subchapter IV of chapter 55 of title 5, United States Code, may provide special monetary or other incentives to encourage civilian cryptologic personnel of the Agency to acquire or retain proficiency in foreign languages or special related abilities needed by the Agency.

"(2) In order to provide linguistic training and support for cryptologic personnel, the Director—

"(A) may pay all or part of the tuition and other expenses related to the training of personnel who are assigned or detailed for language and language-related training, orientation, or instruction; and

"(B) may pay benefits and allowances to civilian personnel in accordance with chapters 57 and 59 of title 5, United States Code, and to military personnel in accordance with chapter 7 of title 37, United States Code, and applicable provisions of title 10, United States Code, when such personnel are assigned to training at sites away from their designated duty station.

"(c) **CRYPTOLOGIC LINGUIST RESERVE.**—(1) To the extent not inconsistent, in the opinion of the Secretary of Defense, with the operation of military cryptologic reserve units and in order to maintain necessary capability in foreign language skills and related abilities needed by the Technical Collection Agency, the Director may establish a Cryptologic Linguist Reserve.

"(2) The Cryptologic Linguist Reserve may consist of former or retired civilian or military cryptologic personnel of the Technical Collection Agency and of other qualified individuals, as determined by the Director of the Agency. Each member of the Cryptologic Linguist Reserve shall agree that, during any period of emergency (as determined by the Director), the member shall return to active civilian status with the Technical Collection Agency and shall perform such linguistic or linguistic-related duties as the Director may assign.

"(3) In order to attract individuals to become members of the Cryptologic Linguist Reserve, the Director, without regard to subchapter IV of chapter 55 of title 5, United States Code, may provide special monetary incentives to individuals eligible to become members of the reserve who agree to become members of the cryptologic linguist reserve and to acquire or retain proficiency in foreign languages or special related abilities.

"(4) In order to provide training and support for members of the Cryptologic Linguist Reserve, the Director—

"(A) may pay all or part of the tuition and other expenses related to the training of individuals in the Cryptologic Linguist Reserve who are assigned or detailed for language and language-related training, orientation, or instruction; and

"(B) may pay benefits and allowances in accordance with chapters 57 and 59 of title 5, United States Code, to individuals in the Cryptologic Linguist Reserve who are assigned to training at sites away from their homes or regular places of business.

"(d) **SERVICE AGREEMENTS.**—(1) The Director, before providing training under this section to any individual, may obtain an agreement with that individual that—

“(A) in the case of current employees, pertains to continuation of service of the employee, and repayment of the expenses of such training for failure to fulfill the agreement, consistent with the provisions of section 4108 of title 5, United States Code; and

“(B) in the case of individuals accepted for membership in the Cryptologic Linguist Reserve, pertains to return to service when requested, and repayment of the expenses of such training for failure to fulfill the agreement, consistent with the provisions of section 4108 of title 5, United States Code.

“(2) The Director, under regulations prescribed under this section, may waive, in whole or in part, a right of recovery under an agreement made under this subsection if it is shown that the recovery would be against equity and good conscience or against the public interest.

“(e) LANGUAGE TRAINING FOR FAMILY MEMBERS.—(1) Subject to paragraph (2), the Director may provide to family members of military and civilian cryptologic personnel assigned to representational duties outside the United States, in anticipation of the assignment of such personnel outside the United States or while outside the United States, appropriate orientation and language training that is directly related to the assignment abroad.

“(2) Language training under paragraph (1) may not be provided to any individual through payment of the expenses of tuition or other cost of instruction at a non-Government educational institution unless appropriate instruction is not available at a Government facility.

“(f) WAIVER AUTHORITY.—The Director may waive the applicability of any provision of chapter 41 of title 5, United States Code, to any provision of this section if he finds that such waiver is important to the performance of cryptologic functions.

“(g) LIMITATION TO APPROPRIATED FUNDS.—The authority of the Director to enter into contracts or to make grants under this section is effective for any fiscal year only to the extent that appropriated funds are available for such purpose.

“(h) REGULATIONS.—Regulations prescribed under this section shall be submitted to the Permanent Select Committee on Intelligence of the House of Representatives and the Select Committee on Intelligence of the Senate before such regulations take effect.

“(i) TRAVEL AND TRANSPORTATION EXPENSES IN CONNECTION WITH TRAINING OUTSIDE THE UNITED STATES.—The Director of the Technical Collection Agency, on behalf of the Secretary of Defense, may, without regard to section 4109(a)(2)(B) of title 5, United States Code, pay travel, transportation, storage, and subsistence expenses under chapter 57 of such title to civilian and military personnel of the Department of Defense who are assigned to duty outside the United States for a period of one year or longer which involves cryptologic training, language training, or related disciplines.

“SEC. 10. PROTECTION OF FACILITIES BY GENERAL SERVICES ADMINISTRATION.

“The Administrator of General Services, upon the application of the Director of the Technical Collection Agency, may provide for the protection in accordance with section 3 of the Act of June 1, 1948 (40 U.S.C. 318b), of certain facilities (as designated by the Director of such Agency) which are under the administration and control of, or are used by, the Technical Collection Agency in the same manner as if such facilities were property of the United States over which the United States has acquired exclusive or concurrent criminal jurisdiction.

“SEC. 11. SENIOR CRYPTOLOGIC EXECUTIVE SERVICE.

“(a) AUTHORITY TO ESTABLISH SCES.—(1) The Secretary of Defense (or his designee) may by regulation establish a personnel system for senior civilian cryptologic personnel in the Technical Collection Agency to be known as the Senior Cryptologic Executive Service. The regulations establishing the Senior Cryptologic Executive Service shall do the following:

“(A) Meet the requirements set forth in section 3131 of title 5, United States Code, for the Senior Executive Service.

“(B) Provide that positions in the Senior Cryptologic Executive Service meet requirements that are consistent with the provisions of section 3132(a)(2) of such title.

“(C) Provide, without regard to section 2, rates of pay for the Senior Cryptologic Executive Service that are not in excess of the maximum rate or less than the minimum rate of basic pay established for the Senior Executive Service under section 5382 of such title, and that are adjusted at the same time and to the same extent as rates of basic pay for the Senior Executive Service are adjusted.

“(D) Provide a performance appraisal system for the Senior Cryptologic Executive Service that conforms to the provisions of subchapter II of chapter 43 of such title.

“(E) Provide for removal consistent with section 3592 of such title, and removal or suspension consistent with subsections (a), (b), and (c) of section 7543 of such title (except that any hearing or appeal to which a member of the Senior Cryptologic Executive Service is entitled shall be held or decided pursuant to procedures established by regulations of the Secretary of Defense).

“(F) Permit the payment of performance awards to members of the Senior Cryptologic Executive Service consistent with the provisions applicable to performance awards under section 5384 of such title.

“(G) Provide that members of the Senior Cryptologic Executive Service may be granted sabbatical leaves consistent with the provisions of section 3396(c) of such title.

“(H) Provide for the recertification of members of the Senior Cryptologic Executive Service consistent with the provisions of section 3393a of such title.

“(2) Except as otherwise provided in subsection (a), the Secretary of Defense may—

“(A) make applicable to the Senior Cryptologic Executive Service any of the provisions of title 5, United States Code, applicable to applicants for or members of the Senior Executive Service; and

“(B) appoint, promote, and assign individuals to positions established within the Senior Cryptologic Executive Service without regard to the provisions of title 5, United States Code, governing appointments and other personnel actions in the competitive service.

“(3) The President, based on the recommendations of the Secretary of Defense, may award ranks to members of the Senior Cryptologic Executive Service in a manner consistent with the provisions of section 4507 of title 5, United States Code.

“(4) Notwithstanding any other provision of this section, the Director of the Technical Collection Agency may detail or assign any member of the Senior Cryptologic Executive Service to serve in a position outside the Technical Collection Agency in which the member's expertise and experience may be of benefit to the Technical Collection Agency or another Government agency. Any such member shall not by reason of such detail or assignment lose any entitlement or status associated with membership in the Senior Cryptologic Executive Service.

“(b) MERIT PAY SYSTEM.—The Secretary of Defense may by regulation establish a merit pay system for such employees of the Technical Collection Agency as the Secretary of Defense considers appropriate. The merit pay system shall be designed to carry out purposes consistent with those set forth in section 5401(a) of title 5, United States Code.

“(c) LIMITATION ON TOTAL COMPENSATION.—Nothing in this section shall be construed to allow the aggregate amount payable to a member of the Senior Cryptologic Executive Service under this section during any fiscal year to exceed the annual rate payable for positions at level I of the Executive Schedule in effect at the end of such year.

“SEC. 12. GRANTS FOR CRYPTOLOGIC RESEARCH.

“(a) GRANT AUTHORITY.—The Director of the Technical Collection Agency may make grants to private individuals and institutions for the conduct of cryptologic research. An application for a grant under this section may not be approved unless the Director determines that the award of the grant would be clearly consistent with the national security.

“(b) APPLICABLE LAW.—The grant program established by subsection (a) shall be conducted in accordance with the Federal Grant and Cooperative Agreement Act of 1977 (41 U.S.C. 501 et seq.) to the extent that such Act is consistent with and in accordance with section 6 of this Act.

“(c) LIMITATION TO APPROPRIATED FUNDS.—The authority of the Director to make grants under this section is effective for any fiscal year only to the extent that appropriated funds are available for such purpose.

“SEC. 13. AVAILABILITY OF CERTAIN APPROPRIATIONS.

“Funds appropriated to an entity of the Federal Government other than an element of the Department of Defense that have been specifically appropriated for the purchase of cryptologic equipment, materials, or services with respect to which the Technical Collection Agency has been designated as the central source of procurement for the Government shall remain available for a period of three fiscal years.

"SEC. 14. PROTECTION OF AGENCY NAME FROM UNAUTHORIZED USE.

"(a) **PROHIBITION ON UNAUTHORIZED USE.**—No person may, except with the written permission of the Director of the Technical Collection Agency, knowingly use the words 'Technical Collection Agency', the initials 'TCA', the seal of the Technical Collection Agency, or any colorable imitation of such words, initials, or seal in connection with any merchandise, impersonation, solicitation, or commercial activity in a manner reasonably calculated to convey the impression that such use is approved, endorsed, or authorized by the Technical Collection Agency.

"(b) **ENFORCEMENT.**—Whenever it appears to the Attorney General that any person is engaged or is about to engage in an act or practice which constitutes or will constitute conduct prohibited by subsection (a), the Attorney General may initiate a civil proceeding in a district court of the United States to enjoin such act or practice. Such court shall proceed as soon as practicable to the hearing and determination of such action and may, at any time before final determination, enter such restraining orders or prohibitions, or take such other action as is warranted, to prevent injury to the United States or to any person or class of persons for whose protection the action is brought.

"SEC. 15. RECRUITMENT OF QUALIFIED PERSONNEL.

"(a) **PURPOSE.**—The purpose of this section is to establish an undergraduate training program, which may lead to the baccalaureate degree, to facilitate the recruitment of individuals, particularly minority high school students, with a demonstrated capability to develop skills critical to the mission of the Technical Collection Agency, including mathematics, computer science, engineering, and foreign languages.

"(b) **ASSIGNMENT OF CIVILIAN EMPLOYEES.**—The Secretary of Defense may, in the Secretary's discretion, assign civilian employees of the Technical Collection Agency as students at accredited professional, technical, and other institutions of higher learning for training at the undergraduate level in skills critical to effective performance of the mission of the Agency.

"(c) **LIMITATION TO APPROPRIATED FUNDS.**—The Technical Collection Agency may pay, directly or by reimbursement to employees, expenses incident to assignments under subsection (b), in any fiscal year only to the extent that appropriated funds are available for such purpose.

"(d) **EMPLOYEE AGREEMENT.**—(1) To be eligible for assignment under subsection (b), an employee of the Agency must agree in writing to the following:

 "(A) To continue in the service of the Agency for the period of the assignment and to complete the educational course of training for which the employee is assigned.

 "(B) To continue in the service of the Agency following completion of the assignment for a period of one-and-a-half years for each year of the assignment or part thereof.

 "(C) To reimburse the United States for the total cost of education (excluding the employee's pay and allowances) provided under this section to the employee if, before the employee's completing the educational course of training for which the employee is assigned, the assignment or the employee's employment with the Agency is terminated either by the Agency due to misconduct by the employee or by the employee voluntarily.

 "(D) To reimburse the United States if, after completing the educational course of training for which the employee is assigned, the employee's employment with the Agency is terminated either by the Agency due to misconduct by the employee or by the employee voluntarily, before the employee's completion of the service obligation period described in subparagraph (B), in an amount that bears the same ratio to the total cost of the education (excluding the employee's pay and allowances) provided to the employee as the unserved portion of the service obligation period described in subparagraph (B) bears to the total period of the service obligation described in subparagraph (B).

 "(2) Subject to paragraph (3), the obligation to reimburse the United States under an agreement described in paragraph (1), including interest due on such obligation, is for all purposes a debt owing the United States.

 "(3)(A) A discharge in bankruptcy under title 11, United States Code, shall not release a person from an obligation to reimburse the United States required under an agreement described in paragraph (1) if the final decree of the discharge in bankruptcy is issued within five years after the last day of the combined period of service obligation described in subparagraphs (A) and (B) of paragraph (1).

 "(B) The Secretary of Defense may release a person, in whole or in part, from the obligation to reimburse the United States under an agreement described in

paragraph (1) when, in the Secretary's discretion, the Secretary determines that equity or the interests of the United States so require.

"(C) The Secretary of Defense shall permit an employee assigned under this section who, before commencing a second academic year of such assignment, voluntarily terminates the assignment or the employee's employment with the Agency, to satisfy his obligation under an agreement described in paragraph (1) to reimburse the United States by reimbursement according to a schedule of monthly payments which results in completion of reimbursement by a date five years after the date of termination of the assignment or employment or earlier at the option of the employee.

"(e) DISCLOSURE TO EDUCATIONAL INSTITUTION OF AGENCY AFFILIATION OF EMPLOYEE.—(1) When an employee is assigned under this section to an institution, the Agency shall disclose to the institution to which the employee is assigned that the Agency employs the employee and that the Agency funds the employee's education.

"(2) Agency efforts to recruit individuals at educational institutions for participation in the undergraduate training program established by this section shall be made openly and according to the common practices of universities and employers recruiting at such institutions.

"(f) INAPPLICABILITY OF CERTAIN LAWS.—Chapter 41 of title 5 and subsections (a) and (b) of section 3324 of title 31, United States Code, shall not apply with respect to this section.

"(g) REGULATIONS.—The Secretary of Defense may prescribe such regulations as may be necessary to implement this section.

"SEC. 17. AUTHORITY TO PAY CERTAIN EXPENSES FOR EMPLOYEES DYING WHILE ON ROTATIONAL TOUR OF DUTY IN THE UNITED STATES.

"(a) AUTHORITY.—The Secretary of Defense may pay the expenses referred to in section 5742(b) of title 5, United States Code, in the case of any employee of the Technical Collection Agency who dies while on a rotational tour of duty within the United States or while in transit to or from such tour of duty.

"(b) DEFINITION.—For the purposes of this section, the term 'rotational tour of duty', with respect to an employee, means a permanent change of station involving the transfer of the employee from the Technical Collection Agency headquarters to another post of duty for a fixed period established by regulation to be followed at the end of such period by a permanent change of station involving a transfer of the employee back to such headquarters."

Subtitle B—Amendments Related to Creation of Clandestine Service

SEC. 711. CENTRAL INTELLIGENCE AGENCY ACT OF 1949.

(a) DEFINITIONS.—Section 1(a) of the Central Intelligence Agency Act of 1949 (50 U.S.C. 403a(a)) is amended by inserting "or the Clandestine Service" after "Central Intelligence Agency".

(b) SEAL.—Section 2 of such Act (50 U.S.C. 403b) is amended by inserting "and the Clandestine Service" after "Central Intelligence Agency".

(c) PROCUREMENT AUTHORITIES.—Sections 3(a) and 3(e) of such Act (50 U.S.C. 403c(a) and (e)) are amended by striking "Central Intelligence Agency" and inserting "Agency".

(d) GENERAL AUTHORITIES.—Section 5 of such Act (50 U.S.C. 403f) is amended by striking "Central Intelligence Agency" and inserting "Agency".

(e) MISUSE OF AGENCY NAME, INITIALS, OR SEAL.—Section 13(a) of such Act (50 U.S.C. 403m(a)) is amended by striking "the words 'Central Intelligence Agency', the initials 'CIA', the seal of the Central Intelligence Agency" and inserting "the words 'Central Intelligence Agency' or 'the Clandestine Service', the initials 'CIA' or 'CS', the seal of the Central Intelligence Agency or the Clandestine Service".

(f) DISABILITY RETIREMENT AND DEATH-IN-SERVICE BENEFITS: CONFORMING AMENDMENTS AND TECHNICAL CORRECTION.—Section 19 of such Act (50 U.S.C. 403s) is amended—

(1) by striking "Central Intelligence Agency" in the matter preceding subsection (a)(1) and inserting "Agency";

(2) by striking "Central Intelligence Agency" in the matter preceding subsection (b)(1) and inserting "Agency"; and

(3) by amending paragraph (4) of subsection (b) to read as follows:

"(4) is survived by a surviving spouse, former spouse, or child as defined in section 102 of the Central Intelligence Agency Retirement Act, who would

otherwise be entitled to an annuity under section 8341 of title 5, United States Code—”.

SEC. 712. CENTRAL INTELLIGENCE AGENCY RETIREMENT SYSTEM.

(a) **DEFINITION OF AGENCY.**—Section 101(1) of the Central Intelligence Agency Retirement Act (50 U.S.C. 2001(1)) is amended by inserting “or the Clandestine Service” after “Agency”.

(b) **CIARDS SYSTEM.**—Section 201(a)(1) of such Act (50 U.S.C. 2011(a)(1)) is amended by inserting “and the Clandestine Service” after “Central Intelligence Agency” the first place it appears.

SEC. 713. CENTRAL INTELLIGENCE AGENCY VOLUNTARY SEPARATION PAY ACT.

Section 2 of the Central Intelligence Agency Voluntary Separation Pay Act (50 U.S.C. 403–4) is amended by inserting “or the Clandestine Service” after “Central Intelligence Agency” each place it appears.

SEC. 714. AMENDMENTS TO TITLE 5, UNITED STATES CODE.

Title 5, United States Code, is amended as follows:

(1) Section 305(a) is amended by striking out “or” at the end of paragraph (6) and by striking out paragraph (7) and inserting in lieu thereof the following:

“(7) the Clandestine Service;

“(8) the Technical Collection Agency, Department of Defense; or

“(9) the Technology Development Office, Department of Defense.”.

(2) Section 306(f) is amended by inserting “Clandestine Service,” after “Central Intelligence Agency.”.

(3) Section 552a(j)(1) is amended by inserting “or the Clandestine Service” after “Agency”.

(4) Sections 2302(a)(2)(C)(ii), 3102(a)(1)(B), 4301(1)(ii), 4701(a)(1)(B) are each amended by striking out “the National Security Agency,” and inserting in lieu thereof “the Clandestine Service, the Technical Collection Agency, the Technology Development Office.”.

(5) Section 2305 is amended by striking out “section 102 of the National Security Act of 1947 (61 Stat. 495; 50 U.S.C. 403),” and inserting in lieu thereof “subtitle A of title I of the Intelligence Community Act, [Q: Other sections of the Intelligence Community Act?]”.

(6) Section 2953(b) is amended by striking out “or” at the end of paragraph (2), by striking out the period at the end of paragraph (3) and inserting in lieu thereof “; or”, and by adding at the end the following:

“(4) the Clandestine Service.”.

(7) Section 3401(1) is amended by striking “and” at the end of clause (vi), by striking out clause (vii) and inserting in lieu thereof the following:

“(vii) the Clandestine Service;

“(viii) the Technical Collection Agency; and

“(ix) the Technology Development Office; and”.

(8) Section 5102 is amended by striking out clause (vii), by redesignating clauses (viii) and (x) as clauses (vii) and (viii), respectively, and by adding after clause (viii) (as so redesignated) the following:

“(ix) the Clandestine Service;

“(x) the Technical Collection Agency; and

“(xi) the Technology Development Office;”.

(9) Section 5342(a)(1) is amended by striking out subparagraph (G), by redesignating subparagraphs (H), (I) and (K), as subparagraphs (G), (H) and (I), respectively, by striking out “or” at the end of subparagraph (H) (as so redesignated), and by inserting after subparagraph (I) the following:

“(J) the Clandestine Service;

“(K) the Technical Collection Agency; or

“(L) the Technology Development Office;”.

(10) Section 5727(e)(1) is amended by striking out “or” at the end of subparagraph (A), by striking out the period at the end of subparagraph (B) and inserting in lieu thereof “; or”, and by adding after subparagraph (B) the following:

“(C) the Clandestine Service.”.

(11) Section 5948(g)(1) is amended—

(A) by inserting “and the Clandestine Service” after “Central Intelligence Agency” the second place it appears in subparagraph (F); and

(B) by striking out “the National Security Agency” and inserting in lieu thereof “the Technical Collection Agency and the Technology Development Office”.

(12)(A) Paragraph (1) of section 6339(a) is amended by striking out subparagraph (C) and redesignating subparagraph (D) as subparagraph (C), by striking out "and" at the end of subparagraph (C) (as so redesignated), by redesignating subparagraph (E) as subparagraph (G), and by inserting after subparagraph (C) (as so redesignated) the following:

“(D) the Clandestine Service;
“(E) the Technical Collection Agency;
“(F) the Technology Development Office; and”.

(B) Paragraph (2) of such section is amended by striking out subparagraph (C) and redesignating subparagraph (D) as subparagraph (C), by striking out "and" at the end of subparagraph (C) (as so redesignated), by redesignating subparagraph (E) as subparagraph (G) and in that subparagraph by striking out "(1)(E)" both places it appears and inserting in lieu thereof "(1)(G)", and by inserting after subparagraph (C) (as so redesignated) the following:

“(D) with respect to the Clandestine Service, the Director of Central Intelligence;
“(E) with respect to the Technical Collection Agency, the Director of the Technical Collection Agency;
“(F) with respect to the Technology Development Office, the Director of the Technology Development Office; and”.

(13) Section 7103(a)(3) is amended by striking out subparagraph (D) and redesignating subparagraphs (E), (F), and (G) as subparagraphs (D), (E), and (F), respectively, by striking out "or" at the end of subparagraph (E) (as so redesignated), and by adding after subparagraph (F) the following:

“(G) the Clandestine Service;
“(H) the Technical Collection Agency; or
“(I) the Technology Development Office;”.

(14) Section 7323(b)(2)(B)(i) is amended by striking out subclause (VI), redesignating subclauses (VII) through (XII) as subclauses (XI) through (XVI), respectively, and by inserting after subclause (V) the following:

“(VI) the Clandestine Service;
“(VII) the Technical Collection Agency;
“(VIII) the Technology Development Office;
“(IX) the Infrastructure Support Office;
“(X) the Community Management Staff;”.

(15) Section 7511(b) is amended—

(A) by inserting ", the Clandestine Service," after "Central Intelligence Agency" in paragraph (7); and

(B) by striking out "the National Security Agency," and inserting in lieu thereof "the Technical Collection Agency, the Technology Development Office,".

(16) Section 8347(n)(1)(A) is amended by inserting "or of the Clandestine Service" before the semicolon at the end thereof.

(17) Section 8351(d) is amended by inserting "or the Clandestine Service" after "Central Intelligence Agency".

(18) Section 8461 is amended—

(A) in subsection (j)(1)—

(i) by inserting "or of the Clandestine Service" before the semicolon at the end of subparagraph (A); and

(ii) by inserting "or of the Clandestine Service" after "Central Intelligence Agency" in subparagraph (F);

(B) in subsection (k)—

(i) by inserting "or of the Clandestine Service" before the semicolon at the end of paragraph (1)(A);

(ii) by inserting "or of the Clandestine Service" after "Central Intelligence Agency" in paragraph (1)(D); and

(iii) by inserting "or of the Clandestine Service" after "Central Intelligence Agency" in paragraph (2); and

(C) in subsection (l), by inserting "or of the Clandestine Service" after "Central Intelligence Agency".

(19) Subsections (b)(1), (b)(3), and (c) of section 9101 are amended by inserting "the Clandestine Service," after "Central Intelligence Agency," each place it appears.

SEC. 715. AMENDMENTS TO LAWS CODIFIED IN THE APPENDICES OF TITLE 5, UNITED STATES CODE.

(a) FEDERAL ADVISORY COMMITTEE ACT.—Section 4(b) of the Federal Advisory Committee Act (5 U.S.C. App.) is amended by striking out "or" at the end of para-

graph (1), by striking out the period at the end of paragraph (2) and inserting in lieu thereof “; or”, and by adding after paragraph (2) the following:

“(3) the Clandestine Service.”.

(b) INSPECTOR GENERAL ACT.—Section 8G(a)(1) of the Inspector General Act (5 U.S.C. App.) is amended by striking out “or” at the end of subparagraph (E), by inserting “or” at the end of subparagraph (F), and by adding after subparagraph (F) the following:

“(G) the Clandestine Service;”.

(c) ETHICS IN GOVERNMENT ACT.—Section 105 of the Ethics in Government Act of 1978 (5 U.S.C. App.) is amended—

(1) by inserting “, the Clandestine Service,” after “Central Intelligence Agency,”;

(2) by striking out “or the National Security Agency,” and inserting in lieu thereof “the Technical Collection Agency, or the Technology Development Office.”.

SEC. 716. REPORT ON DETAILED PERSONNEL.

Section 617 of Public Law 103–123 (107 Stat. 1263) is amended—

(1) by striking out paragraph (2);

(2) by inserting after paragraph (1) the following:

“(2) the Clandestine Service;”;

(3) by redesignating paragraphs (4) through (7) as paragraphs (6) through (9), respectively; and

(4) by inserting after paragraph (3) the following:

“(4) the Technical Collection Agency;

“(5) the Technology Development Office.”.

Subtitle C—Amendments Related to Inspector General for the Intelligence Community

SEC. 721. INSPECTOR GENERAL FOR THE INTELLIGENCE COMMUNITY.

(a) EXPANSION OF ROLE OF INSPECTOR GENERAL OF THE CIA.—Subsection (a) of section 17 of the Central Intelligence Agency Act of 1949 (50 U.S.C. 403q) is amended—

(1) in paragraph (1), by striking out “Agency” and inserting in lieu thereof “Intelligence Community”; and

(2) in the matter following paragraph (4), by striking out “established in the Agency” and inserting in lieu thereof “established within the Intelligence Community”.

(b) CONFORMING AMENDMENTS.—

(1) Section 17 of such Act is further amended—

(A) in subsections (b), (c)(1), (d)(1)(A), and (d)(1)(F), by striking out “Agency” and inserting in lieu thereof “Intelligence Community”; and

(B) in paragraphs (2) and (3) of subsection (e), by striking out “Agency” and inserting in lieu thereof “element of the Intelligence Community”.

(2) The heading of such section is amended to read as follows:

“SEC. 17. INSPECTOR GENERAL FOR THE INTELLIGENCE COMMUNITY.”.

(c) RATE OF PAY.—Section 5316 of title 5, United States Code, is amended by striking out “Inspector General, Central Intelligence Agency” and inserting in lieu thereof “Inspector General for the Intelligence Community.”.

Subtitle D—Repeals of Provisions Recodified in New Act

SEC. 741. CONFORMING REPEALS.

(a) FISCAL YEAR 1996 INTELLIGENCE AUTHORIZATION ACT.—Section 306 of the Intelligence Authorization Act for Fiscal Year 1996 (Public Law 104–93; 50 U.S.C. 435 note; 109 Stat. 966) is repealed.

(b) FISCAL YEAR 1995 INTELLIGENCE AUTHORIZATION ACT.—The following provisions of the Intelligence Authorization Act for Fiscal Year 1995 (Public Law 103–359) are repealed:

(1) Section 603 (50 U.S.C. 403–3; 108 Stat. 3433).

(2) Section 811 (50 U.S.C. 402a; 108 Stat. 3455).

(c) FISCAL YEAR 1992 INTELLIGENCE AUTHORIZATION ACT.—Section 403 of the Intelligence Authorization Act for Fiscal Year 1992 (Public Law 102-183; 50 U.S.C. 403-2; 105 Stat. 1267) is repealed:

(d) NATIONAL SECURITY ACT OF 1947.—Section 109 of the National Security Act of 1947 (50 U.S.C. 404d) is repealed.

(e) FISCAL YEAR 1995 DEFENSE APPROPRIATIONS ACT.—The following provisions of the Department of Defense Appropriations Act, 1995 (Public Law 103-335), are repealed:

(1) Section 8131 (50 U.S.C. 403-2a note; 108 Stat. 2653).

(2) Section 8154 (10 U.S.C. 384 note; 50 U.S.C. 403f note; 108 Stat. 2658).

(f) FISCAL YEAR 1994 DEFENSE APPROPRIATIONS ACT.—The following provisions of the Department of Defense Appropriations Act, 1994 (Public Law 103-139), are repealed:

(1) Section 8104 (50 U.S.C. 403j note; 107 Stat. 1463).

(2) Section 8107 (50 U.S.C. 414 note; 107 Stat. 1464).

(g) TITLE 10, UNITED STATES CODE.—Section 201 of title 10, United States Code, is repealed. The table of sections at the beginning of subchapter II of chapter 8 of such title is amended by striking out the item relating to section 201.

Subtitle E—Other Amendments

SEC. 751. NATIONAL SECURITY ACT OF 1947.

(a) TABLE OF CONTENTS.—The table of contents in the first section of the National Security Act of 1947 is amended—

(1) by inserting after the item relating to section 2 the following new item:

“Sec. 3. Definitions.”;

(2) by striking out the items relating to the heading for title I and sections 101 through 107 and inserting in lieu thereof the following:

“Title I—National Security Council and Related Boards and Committees

“Sec. 101. National Security Council.

“Sec. 102. Committee on Foreign Intelligence.

“Sec. 103. Board for Low Intensity Conflict.

“Sec. 104. National Counterintelligence Policy Board.”;

(3) by striking out the item relating to section 109 and the item following that item (relating to section 104); and

(4) by striking out the items relating to sections 202 through 204, 208 through 214, 301, 302, and 304 through 306.

(b) FORMAT AMENDMENTS.—Title IX of such Act is amended—

(1) in section 904 (50 U.S.C. 441c), by striking out “required to be imposed by” and all that follows and inserting in lieu thereof “required to be imposed by any of the following provisions of law:

“(1) The Chemical and Biological Weapons Control and Warfare Elimination Act of 1991 (title III of Public Law 102-182).

“(2) The Nuclear Proliferation Prevention Act of 1994 (title VIII of Public Law 103-236).

“(3) Section 11B of the Export Administration Act of 1979 (50 U.S.C. App. 2410b).

“(4) Chapter 7 of the Arms Export Control Act (22 U.S.C. 2797 et seq.).

“(5) The Iran-Iraq Arms Non-Proliferation Act of 1992 (title XVI of Public Law 102-484).

“(6) The following provisions of annual appropriations Acts:

“(A) Section 573 of the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1994 (Public Law 103-87; 107 Stat. 972).

“(B) Section 563 of the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1995 (Public Law 103-306; 108 Stat. 1649).

“(C) Section 552 of the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1996 (Public Law 104–107; 110 Stat. 741).

“(7) Comparable provisions.”; and

(2) in section 905 (50 U.S.C. 441d), by striking out “on the date which is one year after the date of the enactment of this title” and inserting in lieu thereof “on January 6, 1997”.

SEC. 752. TITLE 5, UNITED STATES CODE.

Section 5324 of title 5, United States Code, is amended by striking out “Deputy Director of Central Intelligence” and inserting in lieu thereof “Deputy Directors of Central Intelligence (2)”.

TITLE VIII—TRANSFER OF FUNCTIONS, SAVINGS PROVISIONS, AND EFFECTIVE DATE

Subtitle A—Transfers of Functions to Intelligence Community Agencies Other than Agencies in Department of Defense

SEC. 801. TRANSFER OF FUNCTIONS TO CLANDESTINE SERVICE.

(a) TRANSFER.—The following functions, as in effect on the day before the effective date of this title, are transferred to the Clandestine Service as of the effective date of this title:

(1) Functions vested in the Central Intelligence Agency or the Director of Central Intelligence which were performed through the Deputy Director for Operations.

(2) Such additional analytical and science and technology functions of the Central Intelligence Agency as the Director of Central Intelligence determines are related to the functions transferred under paragraph (1).

(3) Functions relating to clandestine collection activities vested in the Defense Human Intelligence Service in the Department of Defense, as specified jointly by the Secretary of Defense and Director of Central Intelligence.

(b) ABOLITION OF DDO.—The Directorate of Operations of the Central Intelligence Agency is abolished.

(c) ABOLITION OF S&T DIRECTORATE.—The Directorate of Science and Technology of the Central Intelligence Agency is abolished.

(d) ABOLITION OF ADMINISTRATION DIRECTORATE.—The Directorate of Administration of the Central Intelligence Agency is abolished.

SEC. 802. ABOLITION OF NATIONAL INTELLIGENCE COUNCIL.

The National Intelligence Council is abolished.

Subtitle B—Transfers of Functions to Intelligence Community Agencies in Department of Defense

SEC. 811. TRANSFER OF FUNCTIONS TO TECHNICAL COLLECTION AGENCY.

The following functions, as in effect on the day before the effective date of this title, are transferred to the Director of the Technical Collection Agency as of the effective date of this title:

(1) NATIONAL SECURITY AGENCY FUNCTIONS.—Functions vested in the National Security Agency or the Director of that Agency.

(2) NATIONAL RECONNAISSANCE OFFICE FUNCTIONS.—Functions vested in the National Reconnaissance Office or the Director of that Office, as specified jointly by the Secretary of Defense and Director of Central Intelligence.

(3) CENTRAL IMAGERY OFFICE FUNCTIONS.—Functions vested in the Central Imagery Office or the Director of that Office.

SEC. 812. TRANSFER OF FUNCTIONS TO TECHNICAL DEVELOPMENT OFFICE.

The following functions, as in effect on the day before the effective date of this title, are transferred to the Director of the Technical Development Office as of the effective date of this title:

(1) Functions of the National Reconnaissance Office, as specified jointly by the Secretary of Defense and Director of Central Intelligence.

(2) Functions of the Defense Airborne Reconnaissance Office, as specified jointly by the Secretary of Defense and Director of Central Intelligence.

(3) The Directorate of Science and Technology of the Central Intelligence Agency, as specified jointly by the Secretary of Defense and Director of Central Intelligence.

SEC. 813. ABOLITION OF PREVIOUS DEFENSE ELEMENTS OF THE INTELLIGENCE COMMUNITY.

(a) **ABOLITION OF NATIONAL SECURITY AGENCY.**—The National Security Agency is abolished.

(b) **ABOLITION OF NATIONAL RECONNAISSANCE OFFICE.**—The National Reconnaissance Office is abolished.

(c) **ABOLITION OF CENTRAL IMAGERY OFFICE.**—The Central Imagery Office is abolished.

Subtitle C—General Transfer Provisions

SEC. 821. TRANSFER OF FUNCTIONS.

(a) **IN GENERAL.**—In order to carry out the transfers made by subtitles A and B of this title, there are transferred to each transferee agency all functions which the head of the transferor agency exercised on the day before the effective date of this title (including all related functions of any officer or employee of the transferor agency) which the Director of Central Intelligence determines are vested by this Act in the transferee agency or are otherwise necessary for the performance of the functions of the transferee agency.

(b) **DEFINITIONS.**—For purposes of this title:

(1) The term “transferee agency” means any entity of the Intelligence Community established by this Act.

(2) The term “transferor agency”, with respect to a transferee agency, means any component of the Intelligence Community which on the day before the effective date of this Act performed functions vested by this Act in the transferee agency, as determined by the Director of Central Intelligence.

(3) The term “function” means any duty, obligation, power, authority, responsibility, right, privilege, activity, or program.

SEC. 822. TRANSFER AND ALLOCATIONS OF APPROPRIATIONS AND PERSONNEL.

(a) **IN GENERAL.**—Except as otherwise provided in this title, the personnel employed in connection with, and the assets, liabilities, contracts, property, records, and unexpended balances of appropriations, authorizations, allocations, and other funds employed, used, held, arising from, available to, or to be made available in connection with the functions transferred by this title, subject to section 1531 of title 31, United States Code, shall be transferred to the transferee agency.

(b) **LIMITATION ON USE OF FUNDS.**—Unexpended funds transferred pursuant to this section shall be used only for the purposes for which the funds were originally authorized and appropriated.

SEC. 823. INCIDENTAL TRANSFERS.

(a) **INCIDENTAL TRANSFERS.**—The Director of Central Intelligence, at such time or times as the Director shall provide, may—

(1) make such determinations as may be necessary with regard to the functions transferred by this title; and

(2) make such additional incidental dispositions of personnel, assets, liabilities, grants, contracts, property, records, and unexpended balances of appropriations, authorizations, allocations, and other funds held, used, arising from, available to, or to be made available in connection with such functions, as may be necessary to carry out the provisions of this title.

(b) **TERMINATIONS.**—The Director of Central Intelligence shall provide for the termination of the affairs of all entities terminated by this title and for such further measures and dispositions as may be necessary to effectuate the purposes of this title.

SEC. 824. EFFECT ON PERSONNEL.

(a) **IN GENERAL.**—Except as otherwise provided by this title, the transfer pursuant to this title of full-time personnel (except special Government employees) and part-time personnel holding permanent positions shall not cause any such employee to be separated or reduced in grade or compensation for one year after the date of transfer of such employee under this title.

(b) **APPOINTMENTS.**—The head of the transferee agency may appoint and fix the compensation of such officers and employees as may be necessary to carry out the respective functions transferred under this title. Except as otherwise provided by law, such officers and employees shall be appointed in accordance with the civil service laws and their compensation fixed in accordance with title 5, United States Code.

(c) **EXECUTIVE SCHEDULE POSITIONS.**—Except as otherwise provided in this title, any person who, on the day preceding the effective date of this title, held a position compensated in accordance with the Executive Schedule prescribed in chapter 53 of title 5, United States Code, and who, without a break in service, is appointed in the transferee agency to a position having duties comparable to the duties performed immediately preceding such appointment shall continue to be compensated in such new position at not less than the rate provided for such previous position, for the duration of the service of such person in such new position.

(d) **EXPERTS AND CONSULTANTS.**—The head of the transferee agency may obtain the services of experts and consultants in accordance with section 3109 of title 5, United States Code, and compensate such experts and consultants for each day (including traveltimes) at rates not in excess of the rate of pay for level IV of the Executive Schedule under section 5315 of such title. The head of the transferee agency may pay experts and consultants who are serving away from their homes or regular place of business travel expenses and per diem in lieu of subsistence at rates authorized by sections 5702 and 5703 of such title for persons in Government service employed intermittently.

(e) **DETAIL OR ASSIGNMENT OF EXISTING PERSONNEL.**—To carry out the reorganization required by this Act, the Director of Central Intelligence may detail or assign on a nonreimbursable basis individuals among elements of the Intelligence Community without regard to limitations on the period of the detail or assignment. Any such individual shall not by reason of such detail or assignment lose any entitlement or status associated with the personnel system from which the individual was detailed or assigned. This subsection applies to individuals who, as of the effective date of this Act are employees of an element of the intelligence community (as defined by section 3(4) of the National Security Act of 1947 as in effect on the day before the effective date of this Act).

SEC. 825. DELEGATION AND ASSIGNMENT.

Except where otherwise expressly prohibited by law or otherwise provided by this title, the head of the transferee agency may delegate any of the functions transferred to the head of the transferee agency by this title and any function transferred or granted to such head of the transferee agency after the effective date of this title to such officers and employees of the transferee agency as the head of the transferee agency may designate, and may authorize successive redelegations of such functions as may be necessary or appropriate. No delegation of functions by the head of the transferee agency under this section or under any other provision of this title shall relieve such head of the transferee agency of responsibility for the administration of such functions.

SEC. 826. REORGANIZATION.

The Director of Central Intelligence may allocate or reallocate any function transferred under this title among the officers of the transferee agency and may establish, consolidate, alter, or discontinue such organizational entities in the transferee agency as may be necessary or appropriate.

SEC. 827. RULES.

The head of the transferee agency is authorized to prescribe, in accordance with the provisions of chapters 5 and 6 of title 5, United States Code, such rules and regulations as the head of the transferee agency determines necessary or appropriate to administer and manage the functions of the transferee agency.

Subtitle D—General Savings Provisions

SEC. 831. CONTINUING EFFECT OF LEGAL DOCUMENTS.

All orders, determinations, rules, regulations, permits, agreements, grants, contracts, certificates, licenses, registrations, privileges, and other administrative actions—

(1) which have been issued, made, granted, or allowed to become effective by the President, any Federal agency or official thereof, or by a court of competent jurisdiction, in the performance of functions which are transferred under this title; and

(2) which are in effect at the time this title takes effect, or were final before the effective date of this title and are to become effective on or after the effective date of this title,

shall continue in effect according to their terms until modified, terminated, superseded, set aside, or revoked in accordance with law by the President, the head of the transferee agency or other authorized official, a court of competent jurisdiction, or by operation of law.

SEC. 832. PROCEEDINGS NOT AFFECTED.

The provisions of this title shall not affect any proceedings, including notices of proposed rulemaking, or any application for any license, permit, certificate, or financial assistance pending before the transferor agency at the time this title takes effect, with respect to functions transferred by this title but such proceedings and applications shall be continued. Orders shall be issued in such proceedings, appeals shall be taken therefrom, and payments shall be made pursuant to such orders, as if this title had not been enacted, and orders issued in any such proceedings shall continue in effect until modified, terminated, superseded, or revoked by a duly authorized official, by a court of competent jurisdiction, or by operation of law. Nothing in this section shall be deemed to prohibit the discontinuance or modification of any such proceeding under the same terms and conditions and to the same extent that such proceeding could have been discontinued or modified if this title had not been enacted.

SEC. 833. SUITS NOT AFFECTED.

The provisions of this title shall not affect suits commenced before the effective date of this title, and in all such suits, proceedings shall be had, appeals taken, and judgments rendered in the same manner and with the same effect as if this title had not been enacted.

SEC. 834. NONABATEMENT OF ACTIONS.

No suit, action, or other proceeding commenced by or against the transferor agency, or by or against any individual in the official capacity of such individual as an officer of the transferor agency, shall abate by reason of the enactment of this Act.

SEC. 835. ADMINISTRATIVE ACTIONS RELATING TO PROMULGATION OF REGULATIONS.

Any administrative action relating to the preparation or promulgation of a regulation by the transferor agency relating to a function transferred under this title may be continued by the transferee agency with the same effect as if this title had not been enacted.

SEC. 836. TRANSITION.

The head of the transferee agency may use—

(1) the services of such officers, employees, and other personnel of the transferor agency with respect to functions transferred to the transferee agency by this title; and

(2) funds appropriated to such functions for such period of time as may reasonably be needed to facilitate the orderly implementation of this title.

SEC. 837. REFERENCES.

Any reference in any other Federal law or in any Executive order, rule, regulation, or delegation of authority, or any document of or relating to—

(1) the head of the transferor agency with regard to functions transferred under this title, shall be deemed to refer to the head of the transferee agency; or

(2) the transferor agency with regard to functions transferred under this title, shall be deemed to refer to the transferee agency.

Subtitle E—Effective Date

SEC. 851. EFFECTIVE DATE.

Except as otherwise specifically provided in this Act, this Act and the amendments made by this Act shall take effect six months after the date of the enactment of this Act, except that the President may prescribe an earlier date. Any such date prescribed by the President shall be published in the Federal Register.

H.R. 3237—THE INTELLIGENCE COMMUNITY ACT

HOUSE OF REPRESENTATIVES,
COMMITTEE ON NATIONAL SECURITY,
Washington, DC, Thursday, July 11, 1996.

The committee met, pursuant to call, at 9:30 a.m. in room 2118, Rayburn House Office Building, Hon. Floyd Spence (chairman of the committee) presiding.

OPENING STATEMENT OF HON. FLOYD D. SPENCE, A REPRESENTATIVE FROM SOUTH CAROLINA, CHAIRMAN, COMMITTEE ON NATIONAL SECURITY

The CHAIRMAN. The meeting will please come to order.

This morning the committee formally begins consideration of H.R. 3237, the Intelligence Community Act, and various other legislative proposals before the Congress to reform elements of the intelligence community.

Over the past few months, several independent studies, Government panels and congressional efforts have yielded a number of recommendations on how to restructure our national intelligence organizations to maximize effectiveness without sacrificing critical mission support.

In the Senate, these recommendations led to competing legislative proposals being appended to the intelligence and defense authorization billings. Unfortunately, this approach significantly delayed floor action on both bills.

For the purpose of early House consideration of intelligence reorganization legislation, Chairman Combest and I agreed that we would keep our respective authorization bills clean of intelligence reauthorization issues, realizing, of course, that the legislative situation would change by the time conference rolled around on either the defense or intelligence authorization bills.

The National Security Committee shares jurisdiction with the Permanent Select Committee on Intelligence over intelligence matters, particularly legislation involving the reorganization of the DOD. Accordingly, this committee has received sequential referral of H.R. 3237, which was recently reported out by the Intelligence Committee, until July 23. It is, therefore, my intention to schedule a markup of this bill next week to consider whatever amendments this committee deems appropriate.

While the issue of intelligence reorganization has thus far been characterized as yet another Washington turf battle, I believe this committee has an obligation to look past the bureaucratic intrigue and focus on what is really at stake here, the ability to support the military's critical wartime mission.

If there was one lesson learned from the Persian Gulf that still rings clear, it was that today's modern battlefield has moved into the information age where good intelligence and battlefield awareness are often more critical than the quantities and qualities of tanks or tactical aircraft. The Gulf war also served to highlight weaknesses in our intelligence infrastructure, particularly in how the system gets relevant imagery products into the hands of the warfighter in a timely manner.

As we look ahead, it is clear that tomorrow's battlefields will be even more dependent on the timely supply of accurate intelligence. Increased reliance on new tactics, as well as standoff and precision guided munitions, will dramatically increase demand on our intelligence systems.

Therefore, the legislative decisions before us involve making sure that we perfect an intelligence system that will be capable of meeting tomorrow's demands. In my opinion, a significant component of this effort involves ensuring that the warfighter's perspective is well represented in all budget and architecture decisions. This committee must ensure that the warfighter's view is not obscured or forgotten in the Washington turf battles swirling around this issue.

Given the compressed schedule, we have very little time to act upon these complex issues. I therefore look forward to today's hearing and the witnesses today to help us understand the implications of the proposals before us.

We will first hear from Deputy Secretary of Defense John White to present the DOD's views on H.R. 3237 and other intelligence re-organization proposals. Secretary White will then be followed by a second panel of military witnesses who will give the committee an operator's perspective.

Before turning to Secretary White, I would like to recognize the gentleman from California, the committee's ranking Democrat, Mr. Dellums, for any comments he would like to make.

STATEMENT OF HON. RONALD V. DELLUMS, A REPRESENTATIVE FROM CALIFORNIA, RANKING MINORITY MEMBER, COMMITTEE ON NATIONAL SECURITY

Mr. DELLUMS. Thank you, Mr. Chairman.

Let me compliment you on a very fine opening statement. I tried to listen very carefully. I want to join you in welcoming our witnesses this morning, and I look forward to their testimony.

Third, I want to remind my colleagues that we find ourselves on the eve of marking up H.R. 3237, the Intelligence Community 21st Century Act recently reported by the House Permanent Select Committee on Intelligence, as you pointed out in your opening statement, while at the same time considering many of the same issues in the Senate defense authorization bill in the context of the defense authorization conference now under way. The legislative provisions under consideration respond to a number of recent studies and proposals for restructure and reforming the national intelligence community and are not, in this gentleman's opinion, insignificant.

Finally, Mr. Chairman, it is my judgment that today's hearings may very well be our only opportunity—and I underscore "opportunity"—to gain knowledge and insight into the intelligence issues

before us prior to the markup of the bill, H.R. 3237, and taking conclusive action within the defense authorization conference. Accordingly, I hope we can all, in today's hearing, resist the temptation to turn these proceedings into a forum for adjudicating current events in Saudi Arabia.

It is one thing to look at it as a case in point, but certainly we have other business to do, and I understand and believe that you, Mr. Chairman, will afford this committee, at another time, an opportunity in regular order to address the issues of Saudi Arabia. So I hope my colleagues can focus exclusively on the substantive legislative matters that are before us.

I congratulate you on your opening remarks because I think the operational issues here are paramount, not the bureaucratic questions, and I join my colleague in that, and I yield back my time.

The CHAIRMAN. Secretary White, you may proceed. Without objection, your written statement will be submitted for the record.

STATEMENT OF JOHN P. WHITE, DEPUTY SECRETARY OF DEFENSE

Mr. WHITE. Thank you. With your permission, Mr. Chairman, I will submit the statement for the record and give a brief synopsis of it orally.

First of all, let me thank you and the members for the opportunity to appear here this morning before the committee. Intelligence is a very critical element, as you indicated in your statement, for the success of military operations, and as a result, the Secretary and I have participated personally in the efforts by the administration to craft proposals that will improve the intelligence which is provided to our forces.

As you said so well in your statement, Mr. Chairman, the focus of our efforts has to be in every case what have we done to enhance the quality and timeliness of accurate information provided to our fighting forces? How are we providing those forces with what they need? We have applied that standard of review to internal proposals of the administration, to the Brown Commission report, and to the proposals of the Senate Select Committee on Intelligence and the House Permanent Select Committee on Intelligence. Throughout that assessment, we have continuously worked very closely with the Chairman and the Vice Chairman of the Joint Chiefs of Staff and in consultation, again closely, with the Director of Central Intelligence.

The Department of Defense maintains three overarching objectives in terms of intelligence reform: first and most importantly, improving intelligence support to warfighters; second and specifically, consolidating the imagery and mapping capabilities within a DOD combat support Agency to achieve the Department's vision of dominant battlefield awareness; and third, reforming the intelligence civilian personnel system within the DOD to improve professional development of our intelligence force to allow better management, particularly in the context of the continued reduction in intelligence people, and to adapt the community to new and evolving roles.

With your permission, Mr. Chairman, let me speak to the issues that are presented by the House Permanent Select Committee on

Intelligence [HPSCI] proposal on intelligence reform. First of all, we have to make it clear that the Secretary of Defense has to assure clear and unambiguous lines of authority in order to support the warfighters. Expansion of the authorities of the Director of Central Intelligence over DOD intelligence activities as proposed by the HPSCI would needlessly complicate those lines of command and control without obvious advantage. Intelligence support to the warfighter does not occur in a vacuum. It is an element that has to be integrated by the Commander in Chief [CINC's] in terms of the other information that they have in communications, logistics, order of battle and so on. Consequently, confusing the clear lines of authority that currently exist would make it more difficult for the Department's intelligence operations to provide such support. And therefore, again, I would urge us to continue to look at the ultimate goal in this regard.

Let me turn to the National Imagery and Mapping Agency which has been proposed by the administration. The Secretary and I, in concert with General Shalikashvili and General Ralston, and working closely with Dr. Deutch, have crafted what we think is a very important reform with respect to intelligence, and that is the creation of NIMA. The administration's proposed legislation establishing NIMA as a combat support agency in Title 10 of the U.S. Code to assure that it will have the appropriate focus. NIMA will allow us to develop and manage digital mapping and imagery databases simultaneously, to provide information for warfighters on demand wherever possible. We do some of that now but we don't do it adequately or in a timely enough manner. We need to create this capability so we have 21st century intelligence to meet 21st century requirements.

At the same time, we have carefully recognized the needs of other customers outside the DOD, and they are taken care of in this proposal. Let me underline the importance of NIMA in terms of our scheme of how to improve intelligence operations and the fact that the Department cannot support any intelligence reform proposal this year that does not include the establishment of NIMA.

Let me turn to the other element of our proposal, which is personnel reform. We worked carefully in the overall intelligence community to craft this reform, but it should be emphasized that what we are dealing with here is reform of DOD intelligence community personnel management and practices. I want to credit the HPSCI for recognizing the importance of these reforms and for including them in IC-21. The NIMA and the DOD civilian intelligence personnel reform, we think, are far-reaching and forward-looking proposals, and I think they are important and should be supported.

Let me now comment on other elements of IC-21, which we have some concerns with. First of all, IC-21 would provide the Director of Central Intelligence with authority to unilaterally transfer defense resources. We are opposed to such authority. We don't think we ought to be put in a position of finding that resources dedicated to intelligence and in the DOD budget can be moved by someone else without our authority and therefore placed against lower priority efforts.

Second, IC-21 transfers DOD clandestine Human Intelligence [HUMINT] to CIA. Clandestine HUMINT services are a critical part of the overall intelligence community. The Department strongly objects to this proposal. I personally have worked very hard with Dr. Deutch, and he with me, so that we could craft a set of proposals that would improve the HUMINT services, get them closer to DIA, provide better training, better communications and other reforms in that regard, have a time schedule for that implementation, assess other changes that ought to be made, and then evaluate those and implement them as appropriate. The Director and I would be pleased to report back to the Congress on the results of those efforts.

The reform proposal by the HPSCI would also deal with the Director of Military Intelligence [DMI] and the Military Intelligence Board [MIB]. The Director of the Defense Intelligence Agency performs, as chairman of the board, an important function in terms of day-to-day intelligence activity coordination, but we do not agree that it is necessary to put this into legislation. Such legislation would restrict the Secretary's ability to manage and structure the intelligence community as it needs to be done over time as requirements change.

The IC-21 would also require a collection study. We applaud the committee for changing from their earlier effort, which was much more ambitious in terms of putting all the collection assets in one place. We would applaud and support a collection study and be happy to work with the Congress on such a study.

The IC-21 would also put in law the intelligence community's Inspector General Forum. This is a forum that works now, we think well; we do not see a need to put the IG Forum in law. The IC-21 provides DCI consultation on defense appointments. We think that is important, particularly with respect to the National Reconnaissance Office and the National Security Agency.

At the same time, with respect to NIMA, we would suggest a different approach. In NIMA, are CIA imagery personnel, and they will be under the operational control of the Director of NIMA. Therefore, we think it is appropriate for the DCI to have the opportunity to either concur or note nonconcurrence in the Secretary's recommendations to the President for the Director of NIMA.

IC-21 would also establish a Deputy Director of Central Intelligence for Community Management. Generally, our view is that such issues around the organization of the community that are directly under the Director are not of our concern. However, in this case, the Department disagrees with this proposal since it would establish a management function over defense organizations now under the direction, control and authority of the Secretary of Defense. The proposal would expand the authorities of the DCI by assigning this DDCI management of community-wide collection resources in a way that we think would be inappropriate. Many of these functions are in the DOD, and I return to the theme that I started with, and that is the importance of clean and unambiguous lines of authority.

Finally, IC-21 would establish a DCI infrastructure support office. We don't know whether such an office is appropriate at this time. It seems to us that before we can support it, we would have

to examine and identify whether such an approach provides improved efficiencies, substantial resource savings and improvements in the overall process.

In closing, Mr. Chairman, let me thank you for the opportunity to speak to the committee on these important issues. Let me end where I began. The Secretary, the Chairman, the Vice Chairman, the Director of Central Intelligence and I have all worked hard to bring you an intelligence reform proposal that serves the best interests of the warfighter. We ask for your support for NIMA and our intelligence civilian personnel legislation, as well as to be assured that we can sustain clear lines of authority for the intelligence elements that support the Secretary of Defense.

Thank you Mr. Chairman. I would be pleased to answer questions.

[The prepared statement of Mr. White follows:]

NOT FOR PUBLICATION UNTIL
RELEASED BY THE SENATE
ARMED SERVICES COMMITTEE

STATEMENT OF
DR. JOHN P. WHITE
DEPUTY SECRETARY OF DEFENSE
BEFORE THE
HOUSE NATIONAL SECURITY COMMITTEE
ON
INTELLIGENCE COMMUNITY REFORM

11 JULY 1996

NOT FOR PUBLICATION UNTIL
RELEASED BY THE SENATE
ARMED SERVICES COMMITTEE

Mr. Chairman,

Thank you for the opportunity to share my views with the House National Security Committee members today on the important topic of intelligence reform. Intelligence is critical to the success of military operations, and so Secretary Perry and I have participated personally in the Administration's legislative proposals for improvements in the intelligence community. The Secretary and I maintain one constant as we work toward intelligence reform -- to ensure that every recommendation for change we make is tied directly to improving the quality and timeliness of intelligence to our fighting forces. We also applied this same standard to our review of intelligence reform proposals emerging from the Brown Commission report, the Senate Select Committee on Intelligence (SSCI) reform bill, and the House Permanent Select Committee on Intelligence (HPSCI) reform bill. Throughout our assessment, we have continuously sought the advice of the Chairman and Vice Chairman of the Joint Chiefs of Staff, and they agree with our recommendations for change.

The Department of Defense maintains three overarching objectives in intelligence reforms:

-- Improving intelligence support to the warfighter as the primary goal of the Department's intelligence reform proposal.

-- Consolidating the imagery and mapping capabilities within a DoD combat support agency to achieve the Department's vision of dominant battlefield awareness.

-- Reforming the intelligence civilian personnel system within DoD to improve professional development of our intelligence force, to allow better management of the continued reduction in intelligence personnel and to adapt the community to its new and evolving roles.

Mr. Chairman, let me now briefly address each of these concerns in the context of the HPSCI bill on intelligence reform.

Intelligence Support to the Warfighter

To provide improved intelligence support to the warfighter, the Secretary must have clear and unambiguous lines of authority to the intelligence elements within DoD. Expansion of Director, Central Intelligence (DCI) authority over DoD intelligence activity, as proposed by the HPSCI, would needlessly complicate those lines of command and control without any obvious advantage.

The President's National Security Strategy identifies timely support to military operations as a key goal of the Intelligence Community. Intelligence support to military operations does not occur in a vacuum. The commander in the field --the CINC--

integrates intelligence support with communications, logistics, and other battlespace systems to achieve complete battlefield dominance. Confusing the clear lines of authority that currently exist would make it more difficult for DoD intelligence elements to perform their most important mission -- support to the warfighter. In the drive to create a strong Intelligence Community, we must not damage the integration of military intelligence within the Defense Community.

National Imagery and Mapping Agency (NIMA)

The Secretary and I, in concert with General Shalikashvili and General Ralston, worked hard with the DCI on the legislative proposal for National Imagery and Mapping Agency (NIMA), again using concern for the warfighter as DoD's single most important criterion in structuring NIMA. The Administration proposed legislation establishing NIMA as a combat support agency in Title 10 of the U.S. Code to ensure that it would have appropriate focus.

NIMA will allow us to develop and manage digital mapping and imagery data bases simultaneously to provide information for warfighters on demand wherever they deploy. We provide some of this intelligence today in limited amounts and for limited operations, but only after extraordinary effort and months of hard work on the part of literally hundreds of map-makers and intelligence analysts. NIMA will provide the

needed integrated intelligence support for military operations as we move toward the 21st century--21st century intelligence to meet 21st century requirements.

We recognize that there are other, extremely important, customers of a NIMA. Those customers have been specifically recognized and accommodated in the Administration's legislative proposal.

The HPSCI bill, IC-21, as amended, is alone among the various reform proposals that have been discussed this year to oppose establishment of NIMA. The Department cannot support any intelligence reform proposal this year that does not include the establishment of NIMA.

Personnel Reform

We also worked to identify improvements to Defense intelligence civilian personnel management and practices. I credit the HPSCI for recognizing the importance of personnel reform and for including the Department's proposed legislation in their IC-21 bill.

This proposal will enrich professional development of our intelligence work force and, at the same time, provide new authority to continue streamlining the force so that it can provide better support to military operations.

NIMA and the DoD Civilian Intelligence Personnel Reform legislation are far-reaching and forward-looking proposals for reform. I will now discuss several provisions of the proposed IC-21 legislation that I believe are not in the best interest of intelligence support to the warfighter.

IC-21 Provided DCI Authority to Unilaterally Transfer Defense Resources

The DCI and I have institutionalized a mechanism for reviewing and reallocating resources across the entire US intelligence program. The Department does not agree that the DCI should be allowed to transfer (or reprogram) up to five percent of NFIP funds in any year without coordinating that transfer with the affected Program Managers. Defense cannot afford to find itself, after-the-fact, in the position of having Defense appropriated dollars used for what the Department determines are low priority Defense initiatives or for non-Defense requirements. The Department supports the existing authority that allows the DCI to transfer NFIP funds with the concurrence of the DoD. Five percent is about 11% of discretionary funding (R&D, Procurement, Military Construction). Changing 11% of the investment accounts could severely impact what intelligence capabilities will be available to support the DoD missions.

IC-21 Transfers DoD Clandestine HUMINT to CIA

The Department strongly objects to the transfer of any Defense HUMINT Service (DHS) responsibilities, activities, or resources to the Central Intelligence Agency.

In response to Brown Commission recommendations, as well as proposals from the HPSCI and the SSCI, the DCI and I have conducted an assessment of possible changes in the relationship of the DHS to the CIA. As a result of that review we have agreed to certain changes now, a process for evaluating further changes and a timetable for assessing both. These changes respond to intelligence community concerns while ensuring that Defense has appropriate management and oversight of departmental clandestine activities. The DCI and I will report to the Congress the results of our efforts to achieve greater cooperation and consolidation.

Director of Military Intelligence (DMI) and Military Intelligence Board (MIB)

The Department appreciates the important role that the Director of the Defense Intelligence Agency performs as Chairman of the MIB to coordinate the day-to-day intelligence activities of the military intelligence community. However, we do not agree that there is a requirement to make the Director of Military Intelligence (DMI) position statutory. Such legislation would restrict the Secretary's ability to manage and structure the Defense intelligence community to make necessary adjustments over time. There is no reason to legislate authorities that already exist for the Secretary under Title 10.

IC-21 Requirement for a Collection Study

The Department credits the HPSCI with recognizing that a full-scale consolidation of all intelligence collection organizations as they originally proposed in IC-21 would cause unnecessary disruption. DoD could support a collection study which the HPSCI proposed as an alternative in their IC-21 Substitute bill if NIMA is established this year. Such a collection study would provide the Department the opportunity to report on the progress of NIMA's establishment and any needed adjustments in light of the broader assessment of requirements.

IC-21 Recommends an Intelligence Community Inspector General Forum based on DoD IG Suggestion

The HPSCI bill creates in statute an Inspector General (IG) Forum to look at issues across the intelligence community. This forum already exists and serves a useful purpose in promoting coordination among the IGs. There is no need to establish this IG Forum in law. In addition, such legislation would freeze the composition and role of the informal IG Forum and could diminish its future effectiveness.

IC-21 Provides DCI Consultation on Defense Appointments

The Department concurs in the IC-21 provision that requires the Secretary to consult with the DCI prior to selection of the Directors of the National Reconnaissance Office and the National Security Agency.

NIMA, though not addressed in IC-21, is an exception to the consultation rule. Since CIA imagery personnel will be under the operational control of the Director of NIMA, the Department believes it appropriate for the DCI to have the opportunity to concur or note non-concurrence in the Secretary's recommendation to the President for the Director of NIMA.

IC-21 Establishment of the Deputy Director of Central Intelligence (DDCI) for Community Management

The Department generally regards the establishment of intelligence community positions, particularly those that report directly to the DCI, to be within the DCI's purview. However, the Department disagrees with an IC-21 Substitute proposal to establish a new DDCI for Community Management authority to manage Defense organizations now under the direction, control and authority of the Secretary of Defense. The proposal would expand the authorities of the DCI by assigning this DDCI management of community-wide collection management, resources in the NFIP,

intelligence requirements and R&D. Many of these functions are in the DoD. This would unnecessarily intrude upon the Secretary of Defense's responsibilities for the authority, direction and control of DoD intelligence components. The DDCI responsibilities should not extend beyond what the DCI statutorily has now. Such a DDCI could provide direction for community-wide activities and for identifying and reviewing intelligence gaps and shortfalls but it is critical that the lines of command and control from the Secretary of Defense to DoD intelligence activities and organizations remain clear and unambiguous.

IC-21 Establishment of a DCI Infrastructure Support, Office

HPSCI would create a single office responsible for administrative and logistical functions for the Intelligence Community. Most of the areas identified for consolidation are currently under the authority, direction and control of the Secretary of Defense.

Whether DoD could support establishment of such an office depends on the conduct of a thorough review of the functions proposed for consolidation and the identification of clear advantages, such as substantial resource savings or process improvements.

Closing

Mr. Chairman, thank you for the opportunity to be here to speak to the Committee on this important topic. To end where I began, the Secretary, the Chairman, the Vice Chairman, the DCI and I have all worked hard to bring you an intelligence reform proposal that serves the best interests of the warfighters. We ask for your support for NIMA and our intelligence civilian personnel legislation, as well as sustained, clear lines of authority for the intelligence elements that support the Secretary of Defense.

I would be pleased to take your questions.

The CHAIRMAN. Thank you. One short question from my stand-point, just to get something on the record.

Mr. Secretary, in your opinion, what are the implications if Congress were to choose to defer action on the NIMA proposal?

Mr. WHITE. We feel very strongly Mr. Chairman that the time is right for implementing NIMA.

We have done an extensive evaluation. We have done a lot of co-ordination. We have a clear plan, how to do this. The technology and the capability is there for us to make enormous improvements, we think, in the way we create and deliver these capabilities. So I think it would be a big mistake to miss the opportunity to create this agency and improve the information flow to the warfighter.

The CHAIRMAN. Mr. Dellums.

Mr. DELLUMS. Thank you, Mr. Chairman. Given the fact that we have a fairly ambitious schedule and a number of members here, I will reserve my time at this point and allow other members to question.

The CHAIRMAN. Mr. Montgomery, the gentleman from Mississippi.

Mr. MONTGOMERY. Mr. Chairman, I have no questions. I thank the Secretary and the other officers for being here.

I have always worried about our intelligence in the military. I hope the Secretary tells us it is better. It wasn't very good in World War II. I am probably the only one here that recalls that. I hope it is improving. I hope our witnesses today can tell us that it is getting better. That is really my bottom line.

Mr. WHITE. Let me say that we have spent a lot of time on this, and the tactical intelligence, we are doing a lot in Bosnia. We don't have time for that this morning, but it is a major priority of ours, and I think it is getting substantially better.

Mr. MONTGOMERY. Thank you.

The CHAIRMAN. Mr. Bateman.

Mr. BATEMAN. No questions, Mr. Chairman.

The CHAIRMAN. Mr. Skelton.

Mr. SKELTON. Thank you, Mr. Chairman.

I was intrigued with your question a moment ago, Mr. Chairman, to Secretary White concerning whether we should delay this issue. You will recall that some of us who have been here a year or two spent a great deal of time, like 4 years, on what is known as the Goldwater-Nichols Reorganization Act. It appears to me that this is of the same caliber of reform within the intelligence community.

I hope two things: No. 1, that we are not getting ahead of ourselves; and No. 2, that we are not, Mr. Secretary, going a bit too far. That is why your thoughts and suggestions mean so much to us.

As you know, we have been up to our ears in getting ready for and starting our conference with the Senate and this is a very, very important issue, and I don't think that we should slide into it without a thorough examination of—my major concern, and what is your first one, Mr. Secretary, and that is the intelligence that reaches the warfighter.

There is nothing worse than a battlefield commander, whether it be a squad leader, platoon leader, battalion commander or otherwise, not getting the right intelligence with severe consequences.

The person who makes the decision on the battlefield at any level should have the very best intelligence supplied to that person; and I would like to view this as very serious, and if there is hesitation—the old saying, when in doubt, don't—I would certainly appreciate your guidance, Mr. Secretary.

As you can see from the questions thus far, no one has delved into it on our committee like you have, and I think we need to. I will do my homework, but I think it is going to take a day or two.

Mr. MONTGOMERY. Would the gentleman yield? I probably should have mentioned about the Korean war, too. I was called to active duty, but didn't get to Korea. The Chinese came out of the borders and came down; and as I remember, we didn't know much about it, it took us totally by surprise, and that is intelligence. That serious a situation, I guess, hasn't happened since then, but that was a very serious problem.

Mr. SKELTON. You point out the fact that, number one, it is not only important to get the intelligence, it needs to go to the right person, the right squad leader, the right platoon leader, company commander or battalion commander to make a decision. Intelligence is nice, but it has to go to the right person, who has to make an on-the-spot decision.

When there is a thrust to take away from the military the ability to gather intelligence, a red flag goes up with me, because the military relies on the military, A, to get the intelligence for the battlefield; and B, to use it and make the right decision to win the battle.

I appreciate your advice and your thoughts on this. We would be pleased to discuss it with you or your people at a later date.

Mr. WHITE. I would be happy to do that at your convenience, Mr. Skelton. Let me make a couple of comments if I may.

First of all, I think your linkage to Goldwater-Nichols is very insightful. I think Goldwater-Nichols, as you do, was a major reform and a significant success. Part of that success is that we at last, through legislation, identified the critical nature of DOD operations.

Mr. SKELTON. It took us 4 years to get through this, and it turned out pretty well.

Mr. WHITE. Yes, sir. It has turned out very well. We are focusing, therefore, on the warfighter and joint military operations.

Second, I would not be here and we would not be recommending these reforms if we did not have the wholehearted support of the senior military leadership. We worked very closely with the Chairman and the Vice Chairman, and they support these reforms.

The CHAIRMAN. Thank you.

Mr. Hansen.

Mr. HANSEN. Thank you, Mr. Chairman. I appreciate the comments of the Secretary. I can see that the Pentagon has put a lot of time and effort into this.

As one of the crossover members to the Intelligence Committee, I hope people realize not all intelligence runs to military, but a great share of it does, and I hope the military doesn't think they are the only recipient of all this work. I guess the frustrations of those on the Intelligence Committee have to run to the idea of the cluttered lines that we see and redundancy and duplication that

comes out of this. It amazes me that it ever does get to the warfighter, if I may be brutally candid, on some of these things.

I don't want to go into specifics about what Chairman Combest and others think on the other side, but I do appreciate the thought and the time and effort you have put into this, Mr. Secretary. I am impressed with the depth that you have given us. It is much greater than we got on your privatization, if I may respectfully say so, and frankly, you are wrong on that; I know you realize that in your heart of hearts, and I am still waiting for your legal opinion that you promised me the last time you were here, and I will look forward to the day you get it.

Mr. BATEMAN. Would the gentleman yield.

Mr. HANSEN. Reluctantly.

Mr. BATEMAN. You need not be reluctant because I am not going to get into depot maintenance.

Mr. HANSEN. Then I am happy to yield to you.

Mr. BATEMAN. The problem I have is that, from the little bit of information I have attending to this very complex issue, there are a number of people who have a number of proposals and significant differences between them. If we had all the people who were knowledgeable in this very critical area in agreement as to what reforms and restructuring ought to be done, I would be prepared to make some leap of faith that, by golly, things need to be done, there is a consensus on what it is and let's get it done.

What I seem to be encountering is that there are a raft of proposals, many of which differ in very significant ways, one from the other, and therefore I don't know who to make a leap of faith with. As a consequence, it makes it that much more difficult for me, and I suspect for a lot of others on this committee, to come to a judgment within the kind of timeframe that we seem to be called upon, or are being asked, to react. It therefore seems to me that there may be significant merit in letting this matter have more time in which more people can have an opportunity to come to whatever consensus may exist.

In your remarks, you made reference to discussions that you and Secretary Perry and Director Deutch have had. It almost seems like the three of you have a consensus. I want to know where that may differ from what is proposed here in this legislation. An awful lot has to be separated out here, and it leaves me with some significant discomfort as to what is the best thing to do without a great deal more indepth opportunity to evaluate what is before us.

Mr. WHITE. If I may, Mr. Bateman, I appreciate your comments. These are very complicated and critically important issues.

Second, as you indicated, we have worked closely together with the Director, and the Director and I had the opportunity to testify together before the House Intelligence Committee, and there are only minor differences between he and I, and I think those are largely issues of kind of where you sit and therefore where you stand, but they are truly minor.

We strongly support, together, the legislative reform package going forward. We worked hard on the Brown Commission report. We have a host of areas where he reported directly to the President and where we all support those changes.

There are differences, as you have indicated, but the best that I can do, I think, is to indicate to you that this has taken an enormous amount of hard effort. Our focus is on the warfighter. As I indicated in the statement, we have been very careful and, of course, the Director, even more so, given his responsibility to assure that other consumers of intelligence are accommodated in these proposals. I think we have done that.

So I think it is important to come to some judgment, as I indicated earlier, particularly with reference to the imagery agency. It is a time when the needs of our forces and the technologies available to us provide us with an opportunity to improve the product; and I think, given that that is the case, we ought to seize that opportunity.

The CHAIRMAN. Mr. Pickett.

Mr. PICKETT. Thank you, Mr. Chairman. I welcome our witness this morning.

I am very concerned, as are some of my colleagues, about what we are doing here, partly because I don't fully understand all the implications; but to me, there is ample evidence that the CIA has not done a very good job of managing our Nation's intelligence requirements, and if the underpinning of this legislation is to transfer more authority and responsibility in that regard to the CIA, then I am not very much in favor of it.

I am deeply concerned about taking authority away from the Department of Defense and lodging it in the CIA, for the reason that of all the things we do in this country, nothing is more important as we draw down our military than having a robust intelligence capability, and if we are going to waste money in any place in the Government, to have some overlap and duplication and redundancy, it seems to me that this is an area where we could afford some of that for our Nation's security.

So I would like you to enlighten this member about whether or not there is a transfer of authority and responsibility in the intelligence area away from the DOD to the CIA in this legislation.

Mr. WHITE. Mr. Pickett, I think that is an important issue. And let me say that the proposals that we have here do not do that; that is, they do not—our proposals do not transfer responsibility or authority or resources from the Department of Defense to the Director of Central Intelligence. In fact, with respect to the National Imagery and Mapping Agency, we take, with his support, resources that are now within the CIA and move them into this new agency. So in that sense, if anything, we run in the other direction.

Second, the personnel reform has to do with DOD only. It is an improvement of our ability to manage our resources.

Third, a number of the elements that we, as a department, object to in the proposal by the House Intelligence Committee run to the direction of increasing the authority of the Director at the expense of the Secretary. We oppose that. We think, as I indicated in my statement, that that will muddy the waters in terms of the clear lines of authority from the Secretary to the CINC's, and therefore we are opposed to efforts that run in the other direction, just as I believe you are, from your comments.

Mr. PICKETT. What about the other side of the equation? Are there functions and responsibilities now in the CIA that would

more appropriately and properly be handled by the Defense Department?

Mr. WHITE. No, sir, I don't think so, with the one exception that I indicated in terms of mapping analysis. We have run through that. We worked jointly on a number of those efforts. We are working hard to make sure our cooperation is closer with the Director, and I think we are succeeding in that regard. So I don't see other candidates for that kind of change.

Mr. PICKETT. In the operation of the defense activities in the Department of Defense, do you have open access to get from the CIA materials that they are in possession of that would be useful in carrying out your responsibilities in the Department of Defense?

Mr. WHITE. Yes, sir, we do.

Mr. PICKETT. Is that balance or is that pipeline affected by this legislation?

Mr. WHITE. No, sir.

Mr. PICKETT. Do you feel comfortable that the intelligence activities in the DOD will be robust and ample to take care of all the requirements of the DOD in conducting its operations and plans?

Mr. WHITE. That is certainly our objective. It is a tall order, but we continue to strive to make that the case, and there is nothing in this proposal to run counter to that. Quite the reverse, I think this enhances our ability to do just that.

Mr. PICKETT. Thank you.

Thank you, Mr. Chairman.

The CHAIRMAN. Thank you, Mr. Pickett.

The gentleman from Pennsylvania, Mr. Weldon.

Mr. WELDON. Thank you, Mr. Chairman. Thank you for holding this hearing today, and I thank our witnesses.

Mr. White, I am still withholding full support of 3237, although largely I agree with the provisions and the need for many of the recommendations contained therein. But I have one question in response to your position to us that this has been thoroughly studied and analyzed and that the recommendations are joined by not just you but by the senior leaders of the administration and the intelligence community.

I would like to know, along that line, since the Defense Mapping Agency, I understand, employs approximately 3,000 workers—all of whom, or most of whom, are unionized—what are your plans to protect the status of those employees with the creation of NIMA, and have you made a commitment publicly to protect their status?

Mr. WHITE. Mr. Weldon, this legislation does not change that status; and we have made such a commitment, yes, sir.

Mr. WELDON. So the commitment for those employees is that they will be protected in their current status?

Mr. WHITE. We are not changing in this case any arrangements that they have in terms of their representation.

Mr. WELDON. Thank you.

The CHAIRMAN. I thank the gentleman.

Mr. Kennedy.

Mr. KENNEDY. I have no questions at this time, Mr. Chairman.

The CHAIRMAN. Mr. Evans.

Mr. Tanner.

Mr. TANNER. Thank you, Mr. Chairman, and thank you, Mr. Secretary, for joining us this morning.

I don't really have a question. I think in the briefing papers we have been provided there is a reference to section 3 of H.R. 3237. The Congress finds, although the Director of Central Intelligence has had an overall coordinating role with the U.S. intelligence activities, under existing law and by executive order, the Director has in fact lacked sufficient authorities to exercise this responsibility effectively, leaving control largely decentralized within elements of the intelligence community.

Could you comment on that? I have a problem with it, and I wonder—

Mr. WHITE. I am sorry, could you read it again?

Mr. TANNER. In section 3 of H.R. 3237 there is an assertion that Congress finds, although the Director of Central Intelligence has had an overall coordinating role for U.S. intelligence activities, under existing law and by Executive order, the Director has in fact lacked sufficient authorities to exercise this responsibility effectively, leaving control largely decentralized within elements of the intelligence community.

Do you agree with that conclusion?

Mr. WHITE. Generally not, no, sir. Our effort has been to work closely with the Director and to make sure that he has the capability that he needs.

We have to remember that intelligence is not an end in itself. It is a product that we provide to people to use, particularly to our combat leaders. Therefore, the focus, in our judgment, ought to be on the consumer, not on the producer. So I wouldn't agree with that.

Mr. TANNER. I have a problem with that conclusion myself. I wanted to get your response to that.

The other matter I would like to propose very briefly is the proposal to create a Director of Military Intelligence. In the briefing papers we have, the following appears:

This individual would be granted unprecedented authority and control over the management and execution of military intelligence programs. The Department opposes this, as it would require some shifting of those responsibilities away from and out of the Office of the Assistant Secretary of Defense for Command and Control, et cetera.

Have you discussed that in depth?

Mr. WHITE. Yes, sir. We have discussed it in great depth, and we don't agree with the creation of such a statutory position. The Director of DIA plays an important role in chairing the Military Intelligence Board. We think that is important. We support that. But we also want to be careful to make sure that we preserve the prerogatives of the Secretary having to change arrangements and adjust them as the need changes, and we think we are in a position to do that today and we think we would be constrained from doing that if we wrote into the legislation effectively operations that work fine as they are and are adjustable over time.

Mr. TANNER. Thank you.

The CHAIRMAN. Thank you, Mr. Tanner.

Mr. Hefley, the gentleman from Colorado.

Mr. HEFLEY. Thank you, Mr. Chairman.

I don't have much in the way of questions, Mr. Secretary, except I am a little curious about the cost estimated with the NIMA proposal. Are we going to save money, or is this not a money-saving thing, but just an efficiency thing?

Mr. WHITE. This is largely not money-saving, Mr. Hefley. This is effectiveness. I think over time there will be money, but we have not looked at this as an issue of cost savings, but as an issue of the effectiveness of the capability that we can provide to the user both in terms of timeliness and in terms of completeness.

Mr. HEFLEY. I think that is legitimate. I know this isn't the subject of our hearing today. Many of us are quite concerned, I think, about the Saudi Arabia situation, the question being, why didn't we know? Where was our intelligence? You don't have to answer that today because that isn't the subject, but I want you to know that we are very frustrated by that and the fact that we haven't had real good answers on that.

We are talking about rather major changes. I am wondering whether those rather major changes in our intelligence operations will answer that question and let us know, in the future, things like this; or whether, you know, it might create some efficiency, but we are still not going to know.

I think Mr. Montgomery said he hoped it was getting better. From the Saudi Arabia thing, it would appear it is not getting a lot better. I just throw that out.

Mr. WHITE. One comment. As we all know, this is a very difficult situation, and one that we are working very hard on.

Second, we provided yesterday for all Members of the House a briefing in depth on the Saudi Arabian situation. We would be happy to do so again if some Members couldn't make that presentation, because we want to provide you with the information that we have. As you know, we have a full-scale review under way with General Downing and will provide that information as well.

Mr. HEFLEY. Thank you.

The CHAIRMAN. Thank you, Mr. Hefley.

Mr. Tejeda.

Mr. TEJEDA. No questions.

The CHAIRMAN. Mr. Browder.

Mr. McHale.

Mr. McHALE. Thank you, Mr. Chairman. I would like to follow up on a theme that was pursued initially by Mr. Montgomery and then Mr. Skelton.

It seems to me that in recent years we have dramatically improved our ability to gather intelligence, but we have not markedly improved our ability to disseminate it. My question goes to the heart of who is the user or consumer. I think we are pretty good at getting essential strategic and tactical information to the warfighters, as to the CINC. But if we do, as I do, define the primary warfighter as that battalion task force commander or his subordinate company team commander, unless things have changed dramatically in the last 5 or 6 years, I don't know that we do a very good job of putting in the hands of the battlefield commander in a timely way the information that he needs to make those judgments on the battlefield that can decisively affect the outcome of the fight.

So my question to you is, what are we doing to guarantee that—above and beyond the issues of delineating authority at the DCI level and the Secretary level and the CINC level, what are we doing systematically to make sure that both in terms of information flow and improvements in technology that communicate that information more rapidly to the battlefield commander that that commander on the battlefield will in fact have available to him at the time he is staffing out an OP order the information he needs for tomorrow's operation?

Mr. WHITE. Let me make a couple of comments on that, and if I may, rather extensive comments because it is a subject on which we spend a good deal of time.

We have done a lot better at dissemination into the theater. We have done a lot better at that level at fusion of our capabilities, if you were to visit Molesworth, as you may have and other capabilities. We have a major effort under way in Bosnia in real time whose objective is to get this information down to the battalion level, down to a level where the unit commander has on a timely basis today what he needs today.

So we are emphasizing not only fusion but delivery; that the delivery is effective and useful and that the commander can use that in his day-to-day planning.

For example, Predator. In terms of providing Predator video links, we are providing those directly to the theater. We are doing the same with the JSTARS capability in terms of ground movement. So we have a major effort under way to do that. I will be there next week. That will be a principal topic I will talk to, not just with General Nash and his people, but I am going down to talk to those colonels and lieutenant colonels and asking them whether they are getting what they need. That is important.

One other comment. We had a recent exercise off Camp Lejeune where we had a tragic loss of life.

Mr. MCHALE. I attended that exercise and visited that crash site.

Mr. WHITE. As I did. Then you know that a major concern in that exercise was the ability to transfer that intelligence capability and total command authority when the marines went ashore, and then from the Marine Corps to the Army as they made those transfers.

I talked at length with the senior leadership there. I think we do better shipboard because we have the inherent technological capability in the platform, more difficult for the ground commander, and much more difficult to get that transfer from ship to shore. We are working that very hard, and I think we are making progress; but it is a tough issue, and I think the hardest issue is for the ground combat commander.

Mr. MCHALE. And a most important issue, in my view. I present the question to you and make this followup comment—it is really to the second panel that I address this issue. We need to eliminate a reliance on textual analysis, in other words, information in the form of a written analysis that passes through the hands of lots of people. The same is true of raw photographic information. If 10 people have to get their hands on it before the battlefield commander sees it, he is unlikely to see it in time to make a difference.

So both in terms of process and in terms of technology we need to simplify the procedure so that the old observation that the bat-

tlefield commander needs eyes on the battlefield can be dramatically enhanced through technology without an awful lot of intervening people between the collection of that information and the guy who has to take it and use it. And I would be interested in comments that might be made today or in the near future that would discuss how we simplify and speed that process of putting into the hands of the battlefield commander and his operations officer the information that he needs, so that it doesn't arrive 3 days after the mission has been executed.

Mr. WHITE. I agree, and I would urge you to talk to the second panel. They are very knowledgeable officers.

I would add one element to the challenge, and that is a cultural and organizational challenge. Leaders, me included, like to see things before our subordinates see them in this context. I think we have to break that down so the 05 gets it at the same time the 08 gets it and can operate on it.

Mr. MCHALE. There is a proprietary interest in information here on Capitol Hill and, regrettably, on the battlefield, and if we maintain that precise control we lose the effectiveness of the information in terms of decision-making.

Mr. Chairman, I thank you.

The CHAIRMAN. I thank the gentleman.

Mr. BUYER.

Mr. BUYER. I think Mr. McHale's point is very well taken. The modern battlefield is going to happen very fast and very rapidly. The world is extraordinarily dynamic, and I think that any time someone comes up here on the Hill—I don't care what form of governmental agency, from Agriculture to the Environment, or even DOD—who wants to talk about reorganization and restructuring of the Government, I am all ears.

I am trying to be a very good listener in this one because I am not confident yet with what we are doing. I will reach a level of comfort.

There are some—while the world can be dynamic, there are core principles that must be concrete to help guide us. One is loyalty. How many veteran-employees do you have that will be impacted by this restructuring?

Mr. WHITE. I will have to get that for you, sir. I don't have that in front of me.

[The information referred to follows:]

Veterans comprise approximately one-quarter of the DoD intelligence community population. Any restructuring would be mission-based with the goal of increasing effectiveness and efficiency in developing and delivering products to our warfighters. Of course, due consideration to all affected personnel, including veterans, would be given in any restructuring.

Mr. WHITE. There is substantial veteran representation in these agencies, that is true. I can get you that number.

Mr. BUYER. I would like to know that, and don't delay that.

I think Mr. Montgomery would be as interested in this issue as I am. There is a lot of restructuring that occurs in the Government, and I want to make sure the veterans, many of whom have served their country, have retired, and are now back working with the Government; and in fact, if they are going to have a RIF, they will

be taken care of, and I want to make sure we have veterans' preference.

Mr. WHITE. Yes, sir.

Mr. BUYER. Is there going to be a RIF?

Mr. WHITE. The issue before us with respect to the personnel reform is to do some streamlining, and our expectation is that over time, yes, there will probably be more reductions.

Mr. BUYER. Give me an estimate.

Mr. WHITE. I will have to provide that for the record.

[The information referred to follows:]

Our current force structure and future streamlining efforts are in concert with congressional direction. to sustain this downward glidepath, we are continuing buy-outs and aggressive out-placing in specified organizations. A goal of our civilian intelligence personnel reform effort is balancing and adapting skills according to changing mission requirements, rather than further reductions.

Mr. WHITE. This is not in anticipation of my knowledge of a specific reduction, but we have agencies that are large. We are changing them, and there are going to be more reductions.

Mr. BUYER. Is this restructure and streamline—I want to know where it is coming from. Is this being top-down driven with regard to force reduction, or is this being driven because of a need that someone sees for how we can get better intelligence to the battlefield? How is this being driven?

Mr. WHITE. The latter. The problem we have in terms of the overall operation of the intelligence communities, the intelligence agencies, is the world has changed, as you just mentioned, and it is going to continue to change.

These are large organizations. We want more flexibility to transfer people. We want more flexibility to evaluate people and transfer them within the community, based on their particular skills. We want capability to hire people on a temporary basis if they have particular skills.

So we want more flexibility in that regard to meet these new needs.

Mr. BUYER. Why do we want to take greater control away from military collection sources and give it to the CIA? Why do we want to remove some of that intelligence collection away from the warfighters and give it to civilians?

Mr. WHITE. We don't want to do that. We want to do exactly the opposite.

Mr. BUYER. I thought that this bill transfers some of DOD's clandestine human source collection activities.

Mr. WHITE. The bill proposed by the House Intelligence Committee would do that. We are opposed to that.

Mr. DELLUMS. Would the gentleman yield? The Secretary is testifying, in effect, in opposition to many of the major provisions of that bill.

Mr. BUYER. Thank you. That is just what he told me.

So you would agree that the loss of control for military—for military collectors is, in fact, the wrong way to go.

Mr. WHITE. Yes, sir. I think what we have to focus on is the consumer. Consumer, in this case, is the war fighter. There are other consumers. I think we have been attentive to their needs, but

our focus is on war fighter and we are opposed to any changes that diminish the ability to support the war fighter.

Mr. BUYER. Thank you very much. I yield back.

The CHAIRMAN. Thank the gentleman.

Mr. Sisisky.

Mr. SISISKY. Thank you very much, Mr. Chairman. I apologize for not being here this morning. I was in a privatization meeting about whether to privatize the CIA or the Defense Intelligence Agency or anything else like that. I really don't have any questions, but I do have a comment for Mr. McHale and the others who were not here in 1992 and 1993. After Desert Storm the subcommittee on Oversight Investigation, which I chaired, did a real report on what happened in Desert Storm.

I remember calling General Schwarzkopf. I said I am going to be critical in releasing this report and I told him what was in there and he said you are absolutely right. We went over to Maryland, met with the Defense Intelligence Agency people and what we basically said was that the intelligence went from the desert to Washington and there was a 3- and 3- and 5-day delay before—forget the battalion commanders out in the field, even the people that were leading the thing. Everybody agreed that it was the right thing. Now, are we really doing it now?

Mr. WHITE. Yes, sir.

Mr. SISISKY. We don't have an oversight investigation committee so I don't know.

Mr. WHITE. Yes, sir, we are doing it. This is directly at the issue. When I talked earlier about what we are doing in Bosnia in terms of overall intelligence and improvements for the battlefield commander, we have a major effort. We have the Defense Science Board involved, all the commanders in the field involved. We have the complete intelligence community involved in cooperation. It gets back to the issue that was discussed earlier about collection, fusion, but most importantly, timely delivery to the battlefield. So we are—

Mr. SISISKY. So are there any delays in doing this? Are we doing it immediately just as Washington gets their raw material?

Mr. WHITE. We are doing it substantially better. We still have some way to go, but it is a big improvement. If you were to visit the fusion center in Molesworth in England, you would see this in real time where it is being done.

Mr. SISISKY. I would be glad to.

Mr. WHITE. I would urge you to do so. And we have allied officers in the room who are helping us with what they need and what their perceptions are of what they need. We have broken down a lot of those barriers in terms of classification so we can provide it to our allies.

Mr. SISISKY. I haven't talked to the field commanders. Are they really getting it now? Are they satisfied? Because if not, then we wasted a report. This is 4, 5 years later. And everybody agreed we were absolutely right, that this committee, not me, but the committee, were absolutely right in pointing out deficiencies in intelligence.

Mr. WHITE. I think you will find in talking to the battlefield commanders, as I have, and will continue to do, that they are in a

much better position than they were. They are not ready yet. As we talked earlier to Mr. McHale, this is a tough transformation, particularly for the ground commander and some of the general officers that are here can speak to that later, but it is improving and it is our principal objective.

Mr. SISISKY. Good. I hope we don't have to wait 5 more years to get it.

Mr. WHITE. I think we have already made significant progress, sir.

Mr. SISISKY. Thank you very much.

The CHAIRMAN. Thank you, Mr. Sisisky.

Mr. Bartlett.

Mr. BARTLETT. Thank you very much, Mr. Chairman. Much of the discussion with the last few questioners has been concerned with the dissemination of information to the battlefield. My question relates to the other end of this process, the collection of information.

Clearly, the challenge to our intelligence community has changed. During all of the cold war we had essentially a single adversary that we needed to get information on. We now have many, many potential enemies from whom we need to get information. Does the reorganization, in H.R. 3237, improve or does it not improve our ability to face this new challenge?

Mr. WHITE. As I indicated earlier, I think there are a number of elements in the proposed legislation by the House Intelligence Committee [HPSCI] which do not improve our ability to deal with that challenge. It is a much more complicated, fast moving situation. We think a number of the recommendations which would cede particular authorities from the Department more directly from the Secretary to the DCI would be a mistake and that they would muddy the waters in terms of the line of communication and support that we need up and down the Intelligence Community to make sure the delivery is done properly.

Mr. BARTLETT. Do you have recommendations in the form of bill language and report language that would correct what you see as deficiencies in H.R. 3237?

Mr. WHITE. Yes, sir, we do in the sense that we have the NIMA proposal. We have our personnel proposal which they support, and then we have very specific objections which we can provide to you with respect to elements of their proposed legislation and our objections are directly along the lines that you have indicated.

Mr. BARTLETT. Our committee staff has your recommendations?

Mr. WHITE. Yes, sir, I believe they do, yes.

Mr. BARTLETT. I thank you very much.

Mr. WHITE. Thank you, Mr. Bartlett.

The CHAIRMAN. Thank you, Mr. Bartlett.

Mr. Edwards.

Mr. EDWARDS. No questions.

The CHAIRMAN. Mr. Thornberry.

Mr. THORNBERRY. Mr. Secretary, several times in talking about the National Imagery Agency you have said that it is necessary in order to take advantage of technology. Can you explain to me why a consolidated agency is needed to take advantage of the enhanced

technology and what reason we can enhance the technology in the several agencies that exist now?

Mr. WHITE. I think, first of all, you clearly can to some extent without the consolidation. The advantage of the consolidation is that it takes what are very similar functions and very similar outcome in terms of product, puts them in one place, focuses them in terms of what we would suggest under Title 10 on the war fighter and emphasizes the utilization of these technologies to rapidly deliver the capabilities. So we have a situation in which because of overhead assets and collection, because of the digitization of a lot of our information, we can over time, I think, much more quickly provide that information. And it just makes organizational management sense to put those institutions together to reflect the fact that because of the technology it is easier to integrate much of what before had to be done in separate functions.

Mr. THORNBERRY. What is your response to the concern that when you put it all together in one agency you have to get everybody thinking alike, everybody trained alike, and we lose the advantage of having people look at these products from a different perspective and then therefore lose something?

Mr. WHITE. I don't think that is a problem in this case. What we are doing is consolidating people who do different functions around this more general function. That is what we want to integrate. The reason we don't think we are going to lose that focus is because we would urge the Congress to put it in Title 10 to emphasize the clear responsibilities. This is a DOD agency. The Secretary would select the Director and the continued emphasis, because of the way the legislation is written and the way the organization is structured, would be to provide that support directly to the war fighter.

Mr. THORNBERRY. But as I understand the point Mr. Hansen was making, it is not just DOD that is a customer for these products.

Mr. WHITE. That is correct. It is not just DOD. Our other customers in State and other places. We think in terms of the way this is structured they will be accommodated. They are accommodated now. This improves the product and we think they will continue to be accommodated.

Mr. THORNBERRY. I guess the concern is of course we are most interested in making sure our military is appropriately supplied, but I guess the concern is if the new agency is so geared toward, say, the military aspect that other points of view may not get the same attention and may not get the same customer service.

Your bottom line is that all of the rest of the reforms are not worth doing without this NIMA proposal; is that right?

Mr. WHITE. I think a number of the reforms in the legislation proposed by the House Intelligence Committee [HPSCI] are not, in our judgment, reforms. That is, they would reduce authority, they would muddy the lines of communication and the structure. So we are opposed to them.

We think there are some things in the bill which we support. We think that NIMA has to be a centerpiece of what it is we need in this context in order to improve the delivery of these capabilities.

Mr. THORNBERRY. As I understood what you said, no matter what other reforms are in a reform bill, you will oppose it if NIMA is not part of it; is that correct?

Mr. WHITE. What I am trying to emphasize, we think NIMA is very important. There is a proposal which has been reflected in some of the questions—why don't we just put NIMA off and do it later? We think that is a mistake. We think given the effort that has been made and the strong consensus in the community to do this, that we ought to get on with it and do it.

At the same time, the committee suggested other forms of analysis to see whether there are other consolidations. We support that analysis. We think we ought to go forward and do that, too. The committee is not suggesting they are ready to make any specific recommendations because the analysis hasn't been done. We agree with that. We think this is a step that is ready. We ought to take it. A number of other steps are not ready and we ought to work together and see what improvements are made, then take those.

Mr. THORNBERRY. Thank you, Mr. Chairman.

The CHAIRMAN. Mr. McKeon.

Mr. MCKEON. Thank you, Mr. Chairman. Just following up on Mr. Brownback's question I guess—I don't know if you got a definitive answer there. Did you indicate that you would not support or you would oppose anything that did not have NIMA in it; is that what you were asking?

Mr. WHITE. Yes, sir. We think NIMA is critically important and central to reform this year and we would oppose any legislation that did not include NIMA.

Mr. MCKEON. Thank you. I have no other questions, Mr. Chairman.

The CHAIRMAN. Mr. Hastings.

Mr. HASTINGS. No questions, Mr. Chairman.

The CHAIRMAN. Mr. Lewis.

Mr. Dellums.

Mr. DELLUMS. Thank you very much, Mr. Chairman. I would like to comment at the end of the first round of questioning and go back to two questions that you responded to, Mr. Secretary.

First, to the question—the second question, as I recall, that was raised by Mr. Tanner regarding the issue of the Director of Military Intelligence where H.R. 3237 would have the Director of DIA become the Director of Military Intelligence. At the three-star level, is it the important emphasis in answering Mr. Tanner's question that the significant policy issue here is the question of civilian control as opposed to military control?

Because at this particular point you have people who are part of the political process at the Secretary level dealing with these issues. Is that an important policy consideration or from your perspective is it not an important policy consideration?

Mr. WHITE. Yes, Mr. Dellums, it is. That is why the functions that are described here are, to a large extent, handled today by the DIA Director. So the point is that you are going to lock out the Secretary's ability in terms of his civilian oversight function, yes, sir.

Mr. DELLUMS. So I thought in answer to Mr. Tanner—I thought that was one point that maybe should be emphasized; that is, a policy consideration that one can come down on one side or the other.

Second, my final question is a question that was raised by Mr. Buyer because he raised the issue of RIF's and the numbers. And,

again, maybe a significant way—a different way to address that issue as opposed to coming back with the numbers which you could not come up with, but it seems to me that the one place where the administration and Mr. Combest have come together at the very same point you have got a few points where you thoroughly agree.

There is one point where you do agree and that is the personnel authorities in the bill which seems to me say that what you are trying to do is bring some humanity and compassion to the issue of RIF's by providing incentives, enhance retirement, et cetera. So perhaps the answer to that question is not, let's go try to find the numbers, but it seems to me, as one reads the bill, both H.R. 3237 and your proposal, what you are trying to do is to avoid minimize RIF's because of the incentivized approach. Is that—

Mr. WHITE. I think that is exactly right, Mr. Dellums. That is why we want more flexibility in terms of moving people around among these agencies. In fact, you don't have to take down one layer while increasing another. Move the people and better match the people's skills to the requirements. So I think you are absolutely right.

Mr. DELLUMS. I thought maybe if we emphasize that here, the colleagues can focus on those two points. Thank you, Mr. Chairman. There is some advantage to coming late. We learn as we go in this process. I appreciate that.

The CHAIRMAN. Mr. Skelton.

Mr. SKELTON. I have just one comment, Mr. Secretary. In all of this we should not forget the ultimate test of the battlefield commander is somewhere along the line of saying, "I didn't know." It also appears to me that in this more complex world, we don't have the predictable or relatively predictable Soviet Union there anymore. We have a more complex, difficult to understand, potential enemy world and it concerns me that your term "streamlining" might be an effort to do away with the ability to understand the complexity of potential enemies.

Let's always keep in mind that battlefield commander test so he doesn't come up and say, "I didn't know." History is replete with both good and bad. Congressman Montgomery spoke a few moments ago about World War II. Intelligence failures, Battle of Tarawa, Battle of the Bulge, Market Garden which, as you know, was made into a movie, "A Bridge Too Far."

However, on the very positive end of it, intelligence allowed us to shoot in two bay bombers over Buganville, and it included Emily Alimoto. The Battle of Midway was won with intelligence. These are intelligence successes. So I think we should be very, very careful in tinkering with this thing because we don't want that battlefield commander to fail the test by giving an answer after some disaster by saying, "I didn't know." That is the job of these folks there behind you today, and I would tread very slowly and very lightly in light of that potential test.

Mr. WHITE. Thank you, Mr. Skelton. I would agree with you, and I think you would find as you run through the list of our objections and concerns with the House intelligence bill before you that that is exactly our problem, that we object where in fact we have this phenomenon where we introduce ambiguity and confuse the mis-

sion in ways that do not support the war fighter. We think that is a mistake.

Mr. SKELTON. Thank you.

The CHAIRMAN. Mr. Secretary, it seems like that is about it. We appreciate your help this morning and we will now proceed to the second panel, if you don't mind. Thank you again for your testimony.

Mr. WHITE. Thank you very much, Mr. Chairman. Thank you for your time.

The CHAIRMAN. Our second panel of witnesses this morning will present the committee with the war fighter—operator's perspective on many of the issues discussed. Our witnesses are to provide their important perspective using examples and actual experiences where possible to help the committee better understand the practical implications of the issues at hand.

I would like to welcome here this morning to the committee Lt. Gen. Paul Van Riper, Commanding General, Combat Development Center, U.S. Marine Corps; Maj. Gen. Ed Anderson, Assistant Deputy Chief of Staff for Operations and Plans, U.S. Army; and Maj. Gen. Bobby Floyd—that sounds familiar—of South Carolina, Deputy Chief of the Staff for plans and operations, U.S. Air Force; and Rear Adm. John Luecke, Assistant Deputy Chief of the Naval Operations U.S. Navy.

The witnesses this morning also have a number of other military officers with them with varying backgrounds to give the committee a fully responsible perspective on these issues.

General Van Riper, the floor is yours. Prepared statements that any of you might have will be submitted for the report.

STATEMENT OF LT. GEN. PAUL VAN RIPER, COMMANDING GENERAL, COMBAT DEVELOPMENT COMMAND, QUANTICO, U.S. MARINE CORPS

General VAN RIPER. Mr. Chairman and distinguished members of the committee, with your permission, I would like to summarize my prepared statement. Although my present assignment as the Commanding General of the Combat Development Command at Quantico, Virginia, I have been privileged to command Marine Corps operational units from platoon through division over the past 33 years.

In that same period, I have also been in operational sections and battalions, regiments, a division of marine expeditionary force. In the 1980's and early 1990's I became a severe and vocal critic of intelligence particularly within the Marine Corps.

I believe that is why General Mundy, who was our Commandant at the time, assigned me as the Director of Intelligence at the headquarters Marine Corps in 1993. It was an enlightening experience. Thus, I bring to you this morning an operator's perspective leavened with some understanding of what intelligence can and cannot do for the operator.

Let me summarize my thoughts very quickly. Intelligence must drive operations. The two functions are inextricably linked. They are two sides of the same coin. I believe while operators focus on operations of units, they must understand intelligence. By the same token, those in the intelligence field must focus on the envi-

ronment, but they also must understand operations. In a perfect world, the intelligence officer would be the natural replacement if the operations officer became a casualty.

There is only one purpose for command control communications in intelligence systems; that is, to enable the commander to make decisions and to see to the execution of those decisions. How they make decisions, the commander must understand the situation he faces. He must have situational awareness. We often confuse data and information with this understanding.

As a result, our interest seems to be in gaining a wider ban for our communications systems and faster processing for our computers. From my experience, few commanders are the least bit interested in data and information. Again, what they want is knowledge. Knowledge that leads to understanding.

Let me provide an illustration. It is unlikely a commander would be interested in the barometric pressure. That is an item of data. The winds aloft and humidity. That is for your information. What he is interested in is the weather forecast, knowledge. And with that knowledge he gains understanding to which he can apply his wisdom.

Moreover, since humans don't think in text, but think in images he seldom wants text. He wants and needs images. We are not talking now about arrow photos and overhead imagery. I am talking about pictures. I believe the Members have in front of them a printout of an example of what I am saying.

On the top under the title, "Reading the Weather Is Knowledge," it is not that information. It is a weather forecast, but compare that to the picture below. The cognitive process the commander would need to go through to read that and several pages behind it would take 10 or 15 minutes before he has an understanding.

We are simply looking at the time line and the weather that is predicted for the day in moments he could see this. Even better would be to present to our commanders the same weather forecast most of us see at 10:30 on the evening news. It doesn't take a lot of time to interpret it.

Finally, these images must be presented in context for there is no understanding without context. If I were to ask my intelligence officer to tell me how large an acre of ground was and he came back with a sketch and said, sir, an acre is an area 43,560 square feet, he would have met the criteria for knowledge. He would have given it to me in the form of an image, but there is no context. If he would have added, sir, an acre is about the size of a football field minus the end zones, there would be context and there would be understanding.

So in summary, what I have always wanted as an operator, what I believe all of our tactical operators want, is for those in the Intelligence Community to think like operators. They want them to have an operational mind set. We don't want to be overloaded with data and information. We want them to provide us with knowledge about the environment and we want it as an image or a picture and we want it in the format that provides a context. Thank you, sir.

[The prepared statement of General Van Riper follows:]

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STATEMENT OF
LIEUTENANT GENERAL PAUL K. VAN Riper
UNITED STATES MARINE CORPS
COMMANDING GENERAL, MARINE CORPS COMBAT
DEVELOPMENT COMMAND
BEFORE THE
HOUSE NATIONAL SECURITY COMMITTEE
SUBMIT FOR THE RECORD
11 JULY 1996
CONCERNING
INTELLIGENCE

NOT FOR PUBLICATION UNTIL
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NATIONAL SECURITY COMMITTEE

UNITED STATES MARINE CORPS

HEADQUARTERS MARINE CORPS, DIVISION OF PUBLIC AFFAIRS
WASHINGTON, D.C. 20380-1775 (703) 614-4309

LIEUTENANT GENERAL PAUL K. VAN RIPER, USMC

Lieutenant General Paul K. Van Riper is currently serving as the Commanding General, Marine Corps Combat Development Command, Quantico, VA.

General Van Riper was born on July 5, 1938, in Brownsville, PA, and graduated from high school in Dormont, PA, in June 1956. He enlisted in the Marine Corps Reserve and underwent recruit training at the Marine Corps Recruit Depot, Parris Island, SC, in the fall of 1956. After completing infantry training in April 1957, he was released from active duty and returned home to serve in the 12th Infantry Battalion, USMCR. He graduated from California State College, California, PA, with a B.A. degree in June 1963. He then entered the 34th Officer Candidate Course and was commissioned a second lieutenant in November 1963.

After completing The Basic School at Quantico, VA, in June 1964, General Van Riper reported to the 1st Battalion, 8th Marines, 2d Marine Division, Camp Lejeune, NC. While with the 1st Battalion, he served as a Platoon Commander, Company Executive Officer, and an Assistant Operations Officer. He was with the 1st Battalion when it was committed to Santo Domingo during the Dominican Republic crisis in the spring of 1965.

In late 1965, he was ordered to the Republic of Vietnam for duty as an Advisor with the Vietnamese Marine Corps. He was wounded in action on February 7, 1966, and was evacuated to the United States Naval Hospital in Philadelphia. After recovering from his wounds in April 1966, General Van Riper returned to The Basic School as an instructor.



Upon completion of his tour in February 1968, he remained at Quantico as a student in the Amphibious Warfare School.

General Van Riper returned to Vietnam in September 1968, where he served as a Company Commander and an Assistant Operations Officer with the 3d Battalion, 7th Marines, 1st Marine Division. Upon his return to the U.S. in September 1969, he was assigned as an instructor at the United States Army's John F. Kennedy Institute for Military Assistance at Fort Bragg, NC. He was transferred to Headquarters Marine Corps, Washington, D.C., in July 1971, where he served initially as a Special Projects Officer in the Office of the Chief of Staff and then as a Training Specialist in the Training Division until August 1973.

Ordered to the 2d Marine Division, Camp Lejeune in September 1974, he was assigned as the Operations Officer for the 3d Battalion, 8th Marines. He became the Regimental Operations Officer in September 1975, and the Executive Officer for the 1st Battalion, 8th Marines in December 1976.

From August 1977 until June 1978, General Van Riper was a student in the College of Naval Command and Staff at the Naval War College, Newport, RI. Subsequently, he was assigned as a Military Observer with the United Nations Truce Supervision Organization in Palestine. During this tour he served in Egypt, Israel, and Lebanon.

Upon completion of his overseas tour in September 1979, General Van Riper was assigned as the Commanding Officer, Marine Barracks, Naval Air Station, Cecil Field, FL, until July 1981. From August 1981 until June 1982, he was a student at the Army War College in Carlisle, PA.

Transferred to the 7th Marines, 1st Marine Division, Camp Pendleton, CA, in June 1982, he served as the Regimental Executive Officer until May 1983, when he assumed command of the 2d Battalion, 7th Marines. In August 1984, he was assigned to the Exercise, Readiness and Training Branch of the G-3 Section, 1 Marine Amphibious Force.

General Van Riper was transferred to the 3d Marine Division on Okinawa in June 1985, where he commanded the 4th Marines until December 1986. He served as the Assistant Chief of Staff, G-3, 3d Marine Division from December 1986 until reassigned as the Division Chief of Staff in June 1987.

During July 1988, General Van Riper returned to Quantico, where he was assigned until July 1989 as the Director of the Command and Staff College. He became the first President of the Marine Corps University, Marine Air-Ground Training and Education Center in July 1989. In July 1990 he was assigned as the Deputy Commander for Training and Education and Director, Marine Air-Ground Training and Education Center, MCCDC. General Van Riper served temporarily as a member of the MARCENT I Marine Expeditionary Force staff during Operations Desert Shield and Desert Storm from January to March 1991. From June 1991, to April 1993, he was the Commanding General, 2d Marine Division, Camp Lejeune, NC.

Returning to Washington, D.C., General Van Riper served as Assistant Chief of Staff, Command, Control, Communications, and Computer and as Director of Intelligence from April 1993 until July 1995. He was advanced to Lieutenant General and assumed his current post on July 13, 1995.

He is a graduate of the U.S. Army's Airborne and Ranger Schools.

General Van Riper's personal decorations include: the Silver Star Medal with gold star; Legion of Merit; Bronze Star Medal with Combat "V"; Purple Heart; Meritorious Service Medal; Joint Service Commendation Medal; Army Commendation Medal; Navy Achievement Medal; and the Combat Action Ribbon with gold star.

General Van Riper is the son of Mary K. Van Riper of Daytona Beach, FL, and the late James F. Van Riper. He is married to the former Lillie Catherine Alford of Dillon, SC. They have a son, Stephen, a Marine lieutenant, and a daughter, Cynthia.

(Revised Jul. 6, 1995 HQMC)

Good Morning Mr. Chairman and distinguished members of the Committee. It is an honor to appear here today to testify before this committee on the critical issue of intelligence support to the warfighter.

I'm Lieutenant General Paul Van Riper, Commanding General of the Marine Corps Combat Development Command. In my present position, I am tasked to develop the Marine Corps' combat capability, through doctrine, organizational structure, training, education, equipment, and support. As I understand the requirement, you are interested in an operator's perspective on the value of intelligence support to military operations and how proposed changes within the intelligence community would affect that support. As an infantry officer, my experience in command at every level within the infantry division should satisfy your requirement for the "operator's perspective." I also had the unique opportunity to serve as Director of Marine Corps Intelligence. Here I was intimately involved crafting the Marine Corps' Intelligence Roadmap which was designed to address and correct serious Congressional concerns regarding deficiencies within Marine Corps intelligence.

Intelligence is the foundation upon which current and future Marine Corps operational capabilities are built and upon which operational planning is based. Intelligence and operations are inextricably linked at all levels of command, with intelligence serving as the driving force that underlies operations. Intelligence is intended to reduce the Commander's uncertainty and to increase his situational awareness so he can better see the battle through the fog and friction of war. To do this, intelligence must be timely, tailored to meet the Commander's minimum essential

requirements, and presented in a form enabling its integration into the planning process. Above all else, if intelligence is to be useful, it must be responsive to the Commander's requirements.

I should note here, that the Marine Corps is essentially a tactical organization, and accordingly, its intelligence focus is tactical which translates into support that is available to the Commander at the lowest level. Selected products should be "pushed down" to the Commander, but he must also be able to "pull up" what he needs, also on a selected basis. Intelligence that is useful at the national or theater level, may not necessarily be useful to the tactical commander and conversely, intelligence of tactical interest may too detailed or small-scale for National Command Authorities or Theater CINCs. There must be a balance between a responsive capability controlled by the tactical commander, and a robust national structure capable of supporting national and theater consumers as well as tactical operations.

The establishment of NIMA as a combat support agency, should result in enhanced imagery support to the tactical commander through the centralization of technical collection, imagery policy standards and uniformity of imagery products. Tactical exploitation assets, on the other hand, must remain responsive to the commander, and accordingly are not included under the NIMA concept. The merging of mapping and imagery functions under NIMA will hopefully result in a seamless, tailored product to support the commander's "Visualization of the Battlefield." Moreover, combined imagery and mapping capabilities will enable responsive production and rapid dissemination of special (picto-map) products for contingency areas for which no current maps exist or are available.

Human Intelligence or HUMINT, is a critical asset in the Marine tactical commander's force protection effort. The consolidation of service GDIP HUMINT capabilities into the

Defense HUMINT Service (DHS), represents a centralization of service resources, focused on theater support under a single DoD manager, that is providing enhanced direct support to unified commanders. Initiatives to further centralize service HUMINT assets under the DCI, however, could result in a shift in focus and priority from the tactical warfighter to strategic consumers. This degradation of support to the tactical commander would be a giant step backwards in light of all the efforts undertaken over the last two decades to improve HUMINT support to military operations. Clear, concise, lines of command and control are critical to the conduct of these essential activities. Retention of DHS under DoD is directly responsive to the Theater CINC, and provides seamless human intelligence support to the forward deployed Marine Air Ground Task Force Commander.

The Marine Corps' mission, organization, and historical limits on resources have demanded that Marines undertake only vital intelligence activities. As such, the preponderance of our manpower and program investment in intelligence has been and continues to be for tactical systems and support. The return from this minimum-essential commitment of precious resources however has been vast to both our Corps and the nation. Changes in how we wage war, and engage in operations short of war, compel our steadfast commitment to training, education, and readiness. While much has changed in how we as commanders regard intelligence, it endures as the fulcrum of our operational effort and is integral to our expeditionary nature. Intelligence remains the foundation of operational effort, and the basis of planning, force development, and material acquisition.

The CHAIRMAN. Thank you, General.
General Anderson.

STATEMENT OF MAJ. GEN. ED ANDERSON, ASSISTANT DEPUTY CHIEF OF STAFF FOR OPERATIONS AND PLANS, U.S. ARMY

General ANDERSON. Mr. Chairman, members of the committee, thank you very much for this opportunity to testify.

The CHAIRMAN. Would you pull the mike a little closer, please?
General ANDERSON. Better, sir?

An area, like the other services believe, is very important to us and in terms of mission success is essential. I am Maj. Gen. Ed Anderson from the Office of the Deputy Chief of Staff and Operations and Plans at Headquarters Department of the Army where we are responsible for validating, prioritizing, and resourcing Army war fighter requirements, some of which directly involved intelligence collection, processing, and dissemination capabilities. And as I understand it, you have asked for the operator's views on the proposed legislation referred to as Intelligence Community 21, which will set the intelligence structure for the next 15 to 20 years.

Accompanying me, if I may have the opportunity to introduce them, I have Maj. Gen. Claudia Kennedy from the Office of the Deputy Chief of Staff for Intelligence, and probably the real expert in this crowd, Lt. Col. Melisa Patrick, who is currently commanding a battalion in INSCOM, but just about 2 weeks ago returned from duty as the intelligence officer for Task Force Eagle in the 1st Armored Division stationed in Tuzla, Bosnia.

First, let me say we fully support the need for a robust intelligence capability and recognize the difficulties created by the dynamic situation in which we face. As an operator I admit it may be difficult for me to fully appreciate and understand all the complexities of the national intelligence community as I am more interested in the product than the process. But one thing is absolutely certain: from our view, the focus on intelligence must be on supporting the tactical war fighter, that battalion, brigade, division or corps commander and the men and women they command who are on the line every day face to face with the enemy in harm's way.

They need the best and the most timely all-source intelligence that can be provided and we must be careful that we do not fall into the trap of thinking that by satisfying the national or regional CINC's requirements by de facto you have satisfied the subordinate requirements.

Our experience shows that each echelon, whether it be brigade, platoon, company, battalion, division, and corps or each component as unique intelligence requirements which cannot be satisfied by the one-size-fits-all approach. Whatever comes out at the end of this process, support to the tactical war fighter must be our measure of success. It is apparent the intent of the proposed legislation is to strengthen the role of the Director of Central Intelligence and consolidate intelligence activities.

Of concern to the Army is consolidation of authority which may result in the very real risk of diluting support to technical commanders in favor of meeting the higher level and non-war-fighter type requirements. One issue involves the role of the Director of

Central Intelligence and his relationship with the defense portions of the National Foreign Intelligence Program.

Granting the DCI authority to manage service and FIP personnel and unilaterally shift fiscal resources within the NFIP, we believe, would seriously impact on the Army's ability to manage its assets to meet its unique war fighter requirements. As an example, the National Ground Intelligence Center at Charlottesville, VA, which produces finished intelligence regarding the ground threat is manned by Army personnel, but resourced under the NFIP.

The National Ground Intelligence Center has been delegated production authority by DIA so it serves the national community, but it also advises the Army Chief of Staff and Army commanders on ground intelligence matters. Under the proposed legislation, the DCI could conceivably without consultation shift those resources and move them away from focusing on the ground war fighter needs.

That same principle applies to tactical intelligence and related activity portions of the service budgets, what we refer to as TIARA. Intelligence plans and programs aggregated under the TIARA umbrella are fully integrated with other Army battlefield operating systems maneuver, fire support logistic to provide a focused and balanced intelligence capability to the tactical war fighters.

The doctrine, organization and tactics present in today's Army intelligence structure are a direct result of our Vietnam experience where intelligence stovepipes were allowed to exist and even flourish under the direction of someone other than the supported commander. Allowing Army tactical intelligence and related activities to be orchestrated outside the Department of the Army runs the risk of fracturing the balanced war fighting capabilities by focusing resources on the needs of someone other than the tactical war fighter.

The clandestine human intelligence proposal is also of particular concern. As you know, the Department has recently consolidated service HUMINT operations into the defense HUMINT service. The Army supports this effort. Removing clandestine HUMINT outside of DOD would again run the risk of diluting support to the tactical war fighter by focusing on higher level or someone other than the war fighter's requirements.

Instead, we should give the DIA and DHS an opportunity to accomplish its mission and to effect the responsible changes outlined in General Hughes' 28 May letter to this committee. Additionally, unambiguous lines of responsibility and authority are essential in conducting these very sensitive operations.

Finally, the Army fully supports the creation of a National Imagery and Mapping Agency, NIMA. The Army is on the verge of harnessing the power of digitization on the battlefield. To capture its full potential, the technology of imagery and digitization on the battlefield calls for new ways to get the commander what he or she needs in the way of information in real time.

We need a responsive system to meet those needs of our commanders. We are not satisfied with the current construct and if the NIMA can better support the tactical commanders, a combat support agency, we clearly favor that proposal. We clearly support the efforts to consolidate where practical and save where possible, but

not in a way which places tactical forces at risk through inadequate or untimely intelligence support.

Clearly, timely and accurate intelligence is critical to the success of military operations. As Mr. White has said before, our greatest intelligence challenges do not occur during peacetime or enduring crises. The greatest challenge to successful intelligence occurs during wartime. We must not do anything today that upsets the balance or in any way creates a potential disconnect between the intelligence community and the Department of Defense during future conflicts. The Army fully confers and applies that same principle to the tactical war fighting commanders in the field.

Sir, thank you very much for the opportunity to state the Army's views and I look forward to your questions.

The CHAIRMAN. Thank you, General.

General Floyd.

STATEMENT OF MAJ. GEN. BOBBY O. FLOYD, DIRECTOR OF FORCES, OFFICE OF THE DEPUTY CHIEF OF STAFF FOR PLANS AND OPERATIONS, U.S. AIR FORCE

General FLOYD. Mr. Chairman, members of the committee, I appreciate the invitation to appear today to show the Air Force war fighter perspective on the intelligence community on reorganization now being considered in the Congress. As the Air Force Director of Forces, I am responsible for planning, programming, and equipping Air Force combat forces with the force structure required to meet a wide variety of operational missions worldwide. Force structure consists of functions and capabilities required by war fighters that are integrated into the multirole, multimission systems required to satisfy the wide array of operational requirements.

The Air Force considers it essential to discuss the importance of responsive and readily available intelligence products to support our component forces. What we have today we will probably have to deploy with tomorrow as we work the situations around the world.

For us, the real test of any intelligence community reorganization proposals has to be the extent to which they improve our ability to plan and execute military operations. Operations for the lives of the brave men and women are at stake and where major national interests are involved. In this context, let me briefly comment on a few proposals being discussed.

We support the continuation of clear lines of authority and responsibility for defense intelligence to the Secretary of Defense. An environment where the stakes are so high, responsibility and decisions with respect to the defense intelligence cannot be shared.

Expansion of DCI authority over DOD intelligence activity as proposed by the House Permanent Select Committee on Intelligence would complicate needlessly the lines of command control to no obvious advantage. Combat and planning for combat intelligence and military operations form unity. Shared responsibility more likely would mean no responsibility.

I also commend the proposed creation of the National Imagery and Mapping Agency, NIMA, as a combat support agency. The days when imagery and mapping and charting could be fragmented have long since passed. The digital environment in which we now live

both permits and demands the blending into a single agency responsible for architecture and product delivery. The creation of CIO in 1992 has already resulted in more timely support to the war fighters. I believe NIMA as a combat support agency will be even more successful for all of its customers.

NIMA would provide synchronized digitized information to the war fighter. Why is that important? Let me give you an example. From 1992 to 1994 I served as wing commander of an operational flying unit which had A-10's and F-16's. Today an A-10 has only the initial navigation system. With the A-10 I will tell you that mapping information needs to be accurate. However, if the map is off 30 to 50 meters, that clearly is not critical due to this type of mission it flies.

However, in the spring of 1993, my unit received the F-16, a new version with the GPS with the low altitude night vision capability—night capability. On my first training rides, the four-ship formation, we were going after a fuel tank farm. My target was the most southern major fuel tank farm or fuel tank, I should say. End bound the target area 20,000 feet and 40 miles out at night I selected a target on the display and the target not only appeared under the hood or under the window, I should say, but under the cross hairs was my fuel tank.

That is because when we planned the mission we had the type of information that was available to us. I had to sew the cross hairs a matter of perhaps 10 meters to position on the bottom row part of the fuel tank. Under the cross hairs at night still 40 miles from the target, from the guy that had flown A-10's before it was unbelievable. It was just unbelievable.

I will tell you today we have systems with tremendous capabilities. Only if the digital imagery and mapping information are meshed and those standards are established and those standards are enforced are the key. NIMA would do that type of operation.

We have other examples of where we are using this type of imagery and meshing it throughout the world today. I would be glad to give you other examples during the Q and A.

The functions and capabilities in JMIP and TIARA are vital elements of the air component commanders fighting forces, while these resources can also provide information of benefit to the national test community. Short warning scenarios that concern me make rapid and responsive intelligence responses critical to the timely and focused responses necessary in our contingency plans.

Since Desert Storm, we have made tremendous strides in making intelligence more responsive to the operational needs of the war fighter. Therefore, we are increasingly concerned about evolving perceptions that service force structure programs, JMIP and TIARA, constitute a tactical intelligence program and therefore are intelligence community resources that should be centralized. These incorrect perceptions may result in decisions and policies detrimental to the service's ability to manage force structure, jeopardize our support to the fighting forces and reverse the progress we have made since the gulf conflict.

I view component forces as multimission organizations where the mission drives the product. Component commanders achieve their objectives in highly dynamic and hostile environments by sustain-

ing a synergy among a variety of self-contained functions. That synergy is essential to ensure that whenever U.S. forces are deployed, our military commanders receive the timely information required to successfully execute their missions and at the same time minimize the loss of American lives. There the Air Force, the Nation's air component commanders, as only that we take steps that are ever more responsive to their directly—to those directly charged with the responsibility to produce mission success.

Supplying deployable war fighting forces with timely intelligence support is the most stressing task of the intelligence community. Systems optimized to a central authority can rarely be optimized to serve to distribute needs to other war fighters in the field.

Anything that distances the war fighter from the intelligence fighter reduces dialog, and I would argue inevitably reduces the support to the customer. As a war fighter and force provider committed to working with other services to achieve mission objectives, I am continually aware of the tremendous capabilities the intelligence community brings to the fight.

Without their products and services, we could not accomplish our mission. We have made tremendous progress in recent years in improving our relationship and I ask whatever changes are made in the intelligence community would be made in light of being more responsive to the war fighter.

Mr. Chairman, I look forward to your questions. Thank you.

The CHAIRMAN. Thank you, General.

[The prepared statement of General Floyd follows:]

DEPARTMENT OF THE AIR FORCE

PRESENTATION TO THE COMMITTEE ON NATIONAL SECURITY

UNITED STATES HOUSE OF REPRESENTATIVES

SUBJECT: INTELLIGENCE COMMUNITY REORGANIZATION

STATEMENT OF: MAJOR GENERAL BOBBY O. FLOYD
DIRECTOR OF FORCES
HEADQUARTERS, UNITED STATES AIR FORCE

11 JULY 1996

NOT FOR PUBLICATION UNTIL RELEASED
BY THE COMMITTEE ON NATIONAL SECURITY
UNITED STATES HOUSE OF REPRESENTATIVES

Mr. Chairman and members of the Committee, I appreciate your invitation to appear before this committee to share the Air Force warfighter perspective on the Intelligence Community reorganization now being considered in Congress.

As the Air Force Director of Forces, I am responsible for planning, programming, and equipping Air Force combat forces with the force structure required to meet a wide variety of operational missions worldwide.

Force structure consists of functions and capabilities required by warfighters that are integrated into the multi-role, multi-mission systems required to satisfy the wide array of operational requirements. Air Force force structure includes a number of systems that provide battlefield decision makers with critical warfighting capabilities in the areas of intelligence, battlefield logistics, surveillance, reconnaissance, indications and warning, situation awareness, battle management, targeting support, rapid operations planning and decision dissemination, and weapons delivery. Demand for these multi-role, multi-function systems is increasing for a number of reasons. These include the increasing information requirements of our combat forces; their requirements for faster operational cycle times in a variety of battlespace activities; the need for flexibility to employ force structure capabilities in support of a wide range of joint force missions; the requirement to respond decisively and effectively on short notice; and the requirement to do more with less as military budgets shrink. Intelligence functions and capabilities are integrated into force structure along with other functions and capabilities to satisfy the needs of our component forces.

With these points in mind, the Air Force considers it essential to discuss the importance of responsive and readily available intelligence products to support our component forces.

Air Force programs in the Joint Military Intelligence Program (JMIP) and the Tactical Intelligence and Related Activities (TIARA) reporting aggregation are just two subsets of the overall collection of programs the Air Force manages in order to provide a balanced, capable force structure that satisfies the requirements of component commanders. JMIP and TIARA programs, like other force structure programs, perform a variety of functions besides intelligence, such as battle management, targeting support and mission planning, which are essential to the success of combat operations.

For us, the real test of any Intelligence Community reorganization proposal has to be the extent to which it improves our ability to plan and execute military operations, the kind where the lives of brave women and men are at stake and where major national interests are involved. In this context, let me briefly comment on a few of the proposals being discussed:

We support the continuation of clear lines of authority and responsibility for Defense Intelligence to the Secretary of Defense. In an environment wherein the stakes are so high, responsibility and decisions with respect to Defense Intelligence cannot be shared. Expansion of DCI authority over DoD intelligence activity, as proposed by the House Permanent Select Committee on Intelligence, would complicate needlessly the lines of command and control to no

obvious advantage. In combat, and in the planning for combat, intelligence and military operations form a unity. Shared responsibility means no responsibility.

I also commend the proposed creation of the National Imagery and Mapping Agency (NIMA) as a Combat Support Agency. The days when imagery and mapping, charting, and geodesy could be fragmented have long since passed. The digital environment in which we now live both permits and demands their blending into a single agency responsible for end-to-end planning, architecting, and product delivery. The creation of the Central Imagery Office (CIO) in 1992 has already resulted in a much more timely imagery support to warfighters. I believe NIMA, as a Combat Support Agency, will be even more successful for all of its customers. We have been active participants in the planning for NIMA and are satisfied with the proposed lanes in the road between NIMA and the Unified Commands and Services in that the latter will retain control over our imagery analysts.

The functions and capabilities of programs in JMIP and TIARA are vital elements of the air component commander's fighting forces. While these resources can also provide information of benefit to the national intelligence community, the short warning scenarios that concern me make rapid and responsive intelligence products critical to the timely and focused responses necessary in our contingency plans. Since Desert Storm, we have made tremendous strides in making intelligence more responsive to the operational needs of the warfighter. Therefore, we are increasingly concerned about the evolving perceptions that Service force structure programs in JMIP and TIARA constitute a "tactical intelligence program" and therefore are an intelligence

community resource that should be centralized. These incorrect perceptions may result in decisions and policies detrimental to the Services' ability to manage force structure, jeopardize our support to fighting forces, and reverse the progress made since the Gulf conflict.

I view component forces as multi-mission organizations where the mission drives the product. Component commanders achieve their objectives in highly dynamic and hostile environments by sustaining a synergy among a variety of self-contained functions. That synergy is essential to ensure that whenever US forces are deployed, our military commanders receive the timely information required to successfully execute their missions while at the same time minimizing the loss of American lives. JMIP and TIARA force structure programs provide dedicated systems and capabilities which facilitate a number of those critical, self-contained warfighting functions.

Managing TIARA resources (many of which are not intelligence functions) apart from other combatant resources would seriously damage the synergy of functions and flexibility required in modern combat. It would not be clear to commanders how placing multi-function force structure programs from TIARA and JMIP into a larger "tactical intelligence program" under centralized management would make intelligence products more responsive. If these resources became less responsive, then commanders would seek other means.

The Air Force, the nation's air component commanders, ask only that we take steps that are ever more responsive to those directly charged with the responsibility to produce mission success. Supplying deployed warfighting forces with timely intelligence support is the most

stressng task of the intelligence community. Systems optimized to a central authority can rarely be optimized to serve the distributed needs of the warfighters in the field. Anything that distances the warfighting customer from the intelligence provider reduces dialog and inevitably reduces the support to the customer.

As a warfighter and force provider committed to working with other Services to achieve mission objectives, I am keenly aware of the tremendous capabilities the intelligence community brings to the fight. Without their products and services, we could not accomplish our mission. We have made a lot of progress in recent years in improving our relationship, and I would ask that whatever changes are made in the intelligence community be made in the light of being more responsive to the warfighter.

The CHAIRMAN. Admiral Luecke.

STATEMENT OF REAR ADM. JOHN LUECKE, ASSISTANT DEPUTY CHIEF OF NAVAL OPERATIONS, PLANS, POLICY, AND OPERATIONS, U.S. NAVY

Admiral LUECKE. Good morning, Mr. Chairman and distinguished members of the committee. I appreciate the opportunity to appear before you this morning and I greatly appreciate this committee's focus on support to the war fighter.

In my view, that is exactly on the mark and we greatly appreciate your understanding of that. I am Rear Admiral Mike Luecke, Assistant Deputy CNO for Plans, Policy, and Operations. I have a written statement which, with your permission, I will submit for the record. I would like to summarize a few key points from that and add a few observations in light of some of the questions and discussions that have gone on earlier this morning.

One of our greatest responsibilities and one of our biggest efforts is to try to provide our servicemen and women with the best weapon systems and delivery platforms we have available. Of course without timely and accurate intelligence support, those platforms don't do us much good. That timely and accurate intel support is critical to the successful employment of these planes and ships and submarines.

As operators, we traditionally depend on intelligence to define threats to U.S. forces, to find enemy targets, to evaluate critical battle damage assessment, to analyze how our adversaries will employ their weapons systems against us and to identify potential vulnerabilities of enemy systems among many other uses.

The advances in technology in the joint intelligence architectures have made significant improvements in our ability to get the right information to the war fighter at the right time, but more still needs to be done. And the future will see even further integration of intelligence directly into the execution phase of combat operations.

From the war fighter's perspective, it is vitally important that our forces can count on receiving robust and reliable intelligence in a timely fashion. Currently our intel support for battle group operations comes from joint intelligence centers and from organic assets via the carrier intelligence center.

The Navy relies heavily on these organizations to provide the intelligence and warning needed for strike support and other war-fighting tasks. There have been many previous instances where intelligence was available, but the right people did not receive it in a sufficiently timely fashion because of either courier or other causes of delay.

Back in 1990 I served as a carrier air wing 7 commander aboard the U.S.S. *Eisenhower* when we were deployed in the Mediterranean when Iraq invaded Kuwait. We responded, were sent through the Suez Canal and were one of the first forces on scene to help further—to help deter further advances by the Iraqi Army. If you can recall during those first few weeks of Desert Shield there was a lot of concern on whether Iraq was going to continue further south into Saudi Arabia.

One of my principal tasks was to plan contingency strikes to be able to halt the Iraqi Army if it continued further advances to the south and to look at targets that we might have to go at in Iraq. So we were very heavily engaged in contingency planning during those critical opening weeks and yet adequate targeting materials and the charts necessary for strike planning and the imagery of selected targets were not immediately available to us.

Much of what we needed had to be received by courier. We looked back and what we had available at the time, some of the photos were months or even years old and that did not give me a warm fuzzy feeling or engender confidence in our ability to execute successful strikes if we had been called on to do that.

Many of these deficiencies have since been corrected, but quickness in our ability to receive accurate intelligence materials is the quality which enables us to most effectively fight our weapons systems. If I can digress a moment to cover one aspect of the legislation that is being considered and that is with regard to the establishment of NIMA. You can go into almost any operations or planning room in any of the services organizations and what you will find are maps and charts taped to the wall, photos and imagery. These are essential tools of our business.

Currently, there are about eight organizations or agencies from which we draw these materials. There is some duplication. They are not all on a common ground with regard to common data bases and references. And so what we need is a common geospatial reference, I think, is the term that is used now as a geographic reference, but in all three dimensional and space and a common data base we also need common hardware and software among all of our services to enable us to effectively utilize this material and to support us in the joint war fighting spectrum. So I think the one stop shopping and one organization that will pull all of this together—that will pull the imagery and the mapping functions together and blend them—will make great strides toward improving our ability to effectively receive the type of support that we need to the war fighter.

In the last 5 years, we have made great strides and the breakthroughs that we are seeing now is the ability to fuse immense amounts of information into one package deliverable to the war fighter for immediate use. Today's technology is at the cusp of being able to deliver tailored intelligence right into the cockpit and into our combat direction centers and to our brethren on the ground right down to the battlefield commanders at all the levels that are needed.

This enhanced, streamlined intel support will allow us to operate inside the enemy's decision cycle, which is one of the principal war-fighting advantages vital to victory. This is our goal and we are making steady progress. When we are complete with that, such a system of intelligence support will not only enhance our mission effectiveness, but will achieve the equally important goal of saving American service member lives, go a long way to not only increasing combat effectiveness, but toward minimizing chances of fratricide and that.

I thank you for the opportunity to share these views with you and I will be pleased to answer any questions that you have.

[The prepared statement of Admiral Luecke follows:]

NOT FOR PUBLICATION UNTIL
RELEASED BY THE HOUSE
NATIONAL SECURITY COMMITTEE

STATEMENT OF
REAR ADMIRAL JOHN M. LUECKE
ASSISTANT DEPUTY CHIEF OF NAVAL OPERATIONS
(PLANS, POLICY AND OPERATIONS)
BEFORE THE
HOUSE NATIONAL SECURITY COMMITTEE
ON
INTELLIGENCE COMMUNITY ORGANIZATION
11 JULY 1996

NOT FOR PUBLICATION UNTIL
RELEASED BY THE HOUSE
NATIONAL SECURITY COMMITTEE

REAR ADMIRAL LUECKE IS PRESENTLY SERVING AS
Assistant Deputy Chief of Naval Operations (Plans, Policy and Operations)
as of June 1996.

**REAR ADMIRAL JOHN M. LUECKE
UNITED STATES NAVY**

Rear Admiral John M. Luecke reported as the Director, Strategy and Policy Division (N51) in the Office of the Chief of Naval Operations in April 1996.

Rear Admiral Luecke's first operational tour was with Attack Squadron 196 from 1968 to 1970, deploying to the Western Pacific on the USS Constellation and USS Ranger, flying more than 180 combat missions in the A-6 Intruder. During this tour he was selected as Attack Squadron 128 Replacement Pilot of the Year. From 1974 to 1976, he served his department head tour with Attack Squadron 75 and made two Mediterranean deployments on the USS Saratoga.

Early shore assignments included duty at the Naval Air Test Center from 1970 to 1973 as Project Test Pilot and subsequent attendance at the Armed Forces Staff College. From 1976 to 1978, he served as a flight instructor at the Empire Test Pilot School, RAF Boscombe Down, England, and became the first American to be assigned as Principal Fixed-wing Tutor.

Rear Admiral Luecke reported to Attack Squadron 35 in July 1979. As Executive Officer, he deployed to the Mediterranean Sea, Indian Ocean, and North Atlantic on the USS Nimitz. He assumed command in February 1981 and made the first deployment of the A-6E TRAM to the Sixth Fleet. During his command tour, VA-35 was awarded the Battle "E", a Meritorious Unit Commendation, and was selected runner-up for the McCluskey Award. Rear Admiral Luecke received the Carrier Air Wing EIGHT Individual Top Tailhook Award for three consecutive deployments and is the first Naval Aviator to have made over 1000 carrier arrested landings in the A-6 aircraft. From September 1982 to September 1983, Rear Admiral Luecke served as Air Operations Officer on the USS Dwight D. Eisenhower. He commanded Attack Squadron 42 from September 1983 to January 1985, during which time the squadron earned the Chief of Naval Operations Safety "S" award.

Rear Admiral Luecke served as the Executive Officer on the USS America from April 1985 to June 1986, when the ship became the first aircraft carrier to operate in a Norwegian Fjord, and participated in the Eldorado Canyon retaliatory strikes against Libya. He then served as Special Assistant to the Chief of Staff at Supreme Headquarters Allied Powers Europe (SHAPE), Belgium, from 1986 to 1988.

Rear Admiral Luecke commanded Carrier Air Wing SEVEN from April 1989 to January 1991. During this period, CVW-7 was embarked aboard the USS Dwight D. Eisenhower for MED 2-90, which included the first deployment of the F-14A (PLUS), the S-3B aircraft, and the first Carrier Battle Group operations in the Red Sea in support of Operation Desert Shield.

Rear Admiral Luecke was promoted to Flag Rank September 1, 1992, and assigned to the Chief of Naval Operations as Director, Tactical Readiness Division (N-73), until April 1993. He served as Director, Plans and Policy, U.S. Central Command from May 1993 until March 1996.

Rear Admiral Luecke's personal awards include Defense Distinguished Service Medal, Defense Superior Service Medal, two Legions of Merit, four Meritorious Service Medals, fifteen Air Medals, three Navy Commendation Medals with Combat "V", and numerous other unit and campaign awards. He has more than 5,500 flight hours in 70 different aircraft and has made more than 1200 arrested landings.

Rear Admiral Luecke is married to the former Margaret Anne Bassett. They have four children, Crystal, Coreen, John and Jim.

ORAL STATEMENT OF REAR ADMIRAL JOHN M. LUECKE
ASSISTANT DEPUTY CHIEF OF NAVAL OPERATIONS
INTELLIGENCE COMMUNITY ORGANIZATION

Good morning Mr. Chairman and distinguished members of the committee. Thank you for the opportunity to appear before your committee this morning.

I'm Rear Admiral Mike Luecke, Assistant Deputy Chief of Naval Operations for Plans Policy and Operations. One of our greatest responsibilities is to provide our service men and women with the best weapons systems and delivery platforms available. Timely and accurate intelligence support is critical to successful employment of these weapons systems. Operators have traditionally depended on intelligence to define threats to U.S. forces, find enemy targets, evaluate critical battle damage assessment, analyze how adversaries will employ their weapon systems against us, and to identify potential vulnerabilities of enemy systems. Advances in technology and in joint intelligence architectures have made significant improvements in our ability to get the right information to the warfighter at the right time. The future will see even further integration of intelligence directly into the execution phase of combat operations.

From a warfighter's perspective, it is vitally important that our forces can count on receiving robust, redundant, and reliable intelligence. Currently, intelligence support for the battlegroup operator comes from joint intelligence centers and organic assets via the

carrier intelligence center. The Navy relies heavily on these organizations to provide intelligence and warning needed for strike support and other warfighting tasks.

There have been many previous instances where intelligence was available, but the right people did not receive it in a timely enough fashion because of courier or other causes of delay. I served as Carrier Air Wing Seven Commander in USS Eisenhower in 1990. We were the first aircraft carrier that steamed into the Red Sea and were some of the earliest forces on scene to help deter further advances by the Iraqi Army. We were heavily engaged in contingency planning during the critical opening weeks of Desert Shield, yet adequate targeting materials, charts necessary for strike planning, and imagery of selected targets were not immediately available. We received much of what was needed by courier. Many of these deficiencies have since been corrected, but "quickness" in our ability to receive accurate intelligence materials is the quality which enables us to effectively fight our weapons systems.

In the last five years, we have made great strides. The breakthrough we are seeing now is the ability to fuse the immense amount of information into one package deliverable to the warfighter for immediate use. Today's technology is at the cusp of being able to deliver tailored intelligence right into the cockpit and combat direction center. This enhanced, streamlined intelligence support will allow us to operate inside the enemy's decision cycle: one of the principal warfighting advantages vital to victory. This is our goal, and we are making steady progress. When complete, such a system of intelligence

support will not only enhance our mission effectiveness, it will achieve the equally important goal of saving American servicemember lives.

Thank you for the opportunity to share with you my views on intelligence support. I will be pleased to answer any questions you have.

The CHAIRMAN. Thank you, Admiral. Thank all of you for your statements and again, I want to welcome all of the folks you brought along with you, all of you, as backup.

Colonel Patrick, I was just over in Tuzla myself July 4th. I had lunch with the troops over there.

If I could just ask each of you to provide the committee with practical examples of why ensuring strong intelligence support to the war fighter is critical to your military mission. Two of you have already gone into detail and given good examples of how it is a practical matter. These things help. If you could supply that information for us, I think it would be helpful.

General VAN RIPER. Mr. Chairman, I would like to give you two examples, one that would relate to the legislation on NIMA. During Desert Shield I was in Saudi Arabia as a brigadier general. The commanding general of the Marine Expeditionary Force, General Boomer, was disturbed that the leaders of two Marine divisions did not have the kind of imagery intelligence they needed to plan for breaching the Iraqi defenses.

It was getting awful close to launching the ground war by late January. He asked me to look into it and see what the problem was. I went to Riyadh, went to the receive location where all the imagery came in. It was a fine-looking facility. I got an excellent brief.

I was assured if only the Marines were to identify the sites that they wanted, the imagery would be provided. I went back to the two division commanders out on the desert floor, got from them all the good coordinates of the site they wanted. I returned to the receipt location. Of the 1½ million products that were there, I learned they are not indexed. So perhaps what we wanted was in among those products, but no ability to retrieve it.

But I was told that an Air Force RF-4 could fly and get photos. The RF-4 flew, brought the photos back. I returned several days to find a Marine gunnery sergeant putting those together on the bulkhead of this facility. It took up some considerable space.

When I told him we did not just want one, but wanted, as Congressman Hale said, we wanted them down to the company level. He literally broke in tears and cried because he spent nearly 24 hours full-time putting together and there was no other capability to duplicate what he did, except another 24 hours. Clearly, it wouldn't work.

Our solution as surprising as it might seem was to take one officer from each of the divisions in their desert camouflage utilities, put them on a commercial aircraft, fly them back here to Washington, DC, have them go to DIA, CIA, and these other six agencies the Admiral mentions, try to find photos, wrap them up, get back on commercial aircraft, and fly back to Saudi Arabia and distribute them. Our ground commanders got those photos 2 nights before the ground war began.

So the Marine Corps definitely believes there is a need for NIMA in order to avoid that in the future. I would like to read from a report by then Major General Wilhelm, who is now a lieutenant general and commander of our forces here in the Atlantic, a report that he made back to the United States during his time in Somalia and Mogadishu.

I am quoting, he said,

"Though the city of Mogadishu has been a tough nut to crack, we are making steady and perceptible progress. A number of lessons have been learned or in some cases relearned. From my perspective, one of the most encouraging outgrowth of efforts in this socially, politically and geographic complex urban operating environment has been the emergence of tactical human intelligence, HUMINT, as the driving force behind operations. Our robust, organic HUMINT capability, 13 subteams, has provided in by 9 out by 5 service on priority intelligence requirements. As a consequence, we have been able to maintain a constantly high tempo of productive operations.

"The key word here is 'productive.' Patrols, check points, and direct action missions have, for the most part, been directed against clearly defined targets. There have been remarkably few dry holes. Spared the long unproductive walks in the Sun, sometimes associated with phases of the Vietnam conflict, the troops have remained alert, tactically disciplined, and tightly focused.

"I believe this accounts in some measure for our low casualty rate. There is a moral to the story. The architects of a counterintelligence structure can take justifiable pride in the capability that has been built. The counterintelligence team and subteams are populated by marines, gutsy and intensely mission-oriented, but also mature and responsible.

"Our human collectors have again proven their worth with the high probability of increasing number of missions on the left side of the operational continuum. This is an element of restructure we should protect. It is refreshing to see things in the proper order. Intelligence driving operations instead of operations driving operations," end of quote.

From that in our experience we would be very reluctant to see the military forces lose the HUMINT capability to the DCI.

The CHAIRMAN. Thank you, General. The rest of you have already given some examples, but if you have any others we would like to hear them.

Admiral LUECKE. Mr. Chairman, I would like to add a couple more, if I may. I go back to that time early during Desert Shield when one of our tasks was to—if Iraq had continued south across the border into Saudi Arabia, we were to try to slow them down as best as we could before they got to critical oil facilities and airfields and as we looked at our task at the time, one of the deficiencies we had was as you are coming in an aircraft, it is a bit difficult to distinguish advancing Army or Iraqi tanks from some of the retreating friendly tanks from Kuwait and Saudi Arabia.

So at the time, having that type of information and especially which would have been a little time later, it would take the flying time it took to get there, the exact location of where the enemy tanks were on the way would have been a very difficult time for us and posed a problem.

Also, I was recently involved within the last couple of years in the planning for a noncombatant evacuation of one of our embassies, and we looked at some of the planning materials that were available and we got fairly far down the road before all of a sudden

we realized that the photos and the imagery we had were old and the embassy was located in a completely different building and you can imagine that this operation might not have gone very smoothly had that been carried out with those inaccurate materials.

I brought one member with me that I think can share a short vignette with you from some of his time. Captain Jim Robbs serves as a Navy planner on the Navy staff. He is a former air wing commander. Earlier in his life, he was involved in the Philippines where he was given a task during the coup there. Let me just ask Jim to share that for about 1 minute with you.

Captain ROBBS. Sir, a lot of the issues that we have or deal with on the ship as an air wing commander are the ones that aren't necessarily planned or that you are not expecting. In 1989 I was on *Enterprise*. We were off the coast of the Philippines ready to do liberty in Subic Point and there was a coup attempt and we were turned, sent offshore there to then support the government operations and put into operation for potential combat evacuation of the government officials.

When we went to the lockers to find maps and charts and such to support that operation, we found that not only did we not have good charts of Manila or we had no maps, we had really no materials because what we left port with was aimed towards a cold war threat, given that everything we took with us had to be in print.

So what we see now today an awful lot of these contingencies, as we go around the world are very pop up and are not centrally oriented against a known threat and the requirements are to come up with a picture of a latitude and longitude quite extemporaneously and plan an operation against that.

So we see the requirement to go off ship to a central agency or some central shopping to get a request for now the GDAC information, the mapping and then some historical basis for what might have been built up just prior to this. We see an awful lot of advantage here with this.

Additionally, we see the case where on ship we have these tremendous communications facilities being built up and large pipes which will allow us to bring this imagery aboard whereas before we really had none to take off with and came by courier. I think you are going to see in the very near future as technology hits the ships a tremendous demand for these off ship products and you will find that the war fighters are going to come in with very heavy requirements very soon in the very near term for some organized way of getting this information from the off side shores.

Chairman CASTLE. Thank you, Captain.

General ANDERSON. Sir, if I may, there is certainly a multitude of examples of this situation you have asked and Desert Storm is a classic example. I can relate in a very quick sense to you the problem we had when we launched the attack.

We had some considerable concern as we were going to go across the barriers as to whether or not the Iraqi artillery was, in fact, occupied, whether the Iraqi tanks were occupied, what was going to happen to us and we built our plan.

General Franks, the corps commander, built his plan not knowing exactly what that situation was and so committing a number of resources and specifically a division to open the breach in the

barriers so that he could get the rest of the force through and, in fact, what we found was that the breach could almost have been done in an administrative way in that there was nobody there that was trained on us and we received no fires in many of the areas that we went across.

I would like to get the opportunity, if I may, at this point to describe one other element here, too. I would like to ask the assistance of Lieutenant Colonel Patrick, if she could come up here and help me. I know she has some examples. I would like to talk to the issue of HUMINT because HUMINT is generally not viewed as something that is of importance to the tactical commander, whether it be brigade, battalion commander or whatever, and I think she can relate to her most recent experiences as some very valuable HUMINT contributions and what it did, so Lieutenant Colonel Patrick, if I may.

The CHAIRMAN. Lieutenant Colonel.

Colonel PATRICK. Sir, while I was in Bosnia I had the opportunity to work with both of the HUMINT agencies there. Both of them, I want to say right up front, provided excellent support to Task Force Eagle. However, my experience in Bosnia indicated to me the importance of having a DOD HUMINT capability that was directly responsive to the commander.

The two HUMINT agencies have different operational techniques and procedures that do have an impact on the timeliness and their ability to respond immediately to the commander's requirements. And we found that out.

The command control relationship between DHS and the supported commander was important because it enabled the commander and enabled me to reach out and touch that HUMINT capability. The significance of that was if I received reporting that I wanted more information about, I could talk directly to the collection asset himself.

And I could get more information directly.

The other thing that was significant about that was that when we got indicators of an impending event, perhaps through open source or what have you, it was easy to turn to DHS and have them react quickly to get more collection for us. There was a very short turnaround on that because they were working directly in support to us.

The other thing that I would like to stress in terms of HUMINT operations is that there is great value in diversity of collection assets. In Bosnia, we were able to take not only clandestine HUMINT collection capability but also some other HUMINT collectors, some of them from NATO organizations, and we were able to weave them together so that we could meet all of the commanders' requirements.

One of the things I found was that different collection organizations have a tendency to turn towards different sources, and so by relying on a wide variety of different collection capabilities, we were able to collect on the environment in Bosnia from basically the man-in-the-street kind of thing to higher levels, and that was very significant. Had we turned only to one collection agency, we would not have had the type of coverage that enabled us to do that.

The CHAIRMAN. Thank you, ma'am.

General FLOYD. Sir, like the other generals, Desert Shield/Desert Storm was a time when the Air Force sent airplanes around the theater to get data to our flyers before they took off, so they could do target study, et cetera. We had to improve that.

I will tell you today that we haven't made tremendous strides. I wish Congressman McHale was here to hear the examples. But today, in Aviano, before an airman goes to the jet and flies a mission, he has an opportunity, through a system, to prefly the mission in a benign environment—in a squadron environment, prefly the mission. He can fly the entire low level route; he can, through digital terrain mapping the system, look at not only what the target looks like, but at the terrain leading to the target, leading away from it, look at the buildings, look at the target itself. He has a chance to pass over that target for the first time in his mind and see what it looks like in a benign environment there.

He then goes to his jet, and at 300 feet, he will go in at 550 knots, pop up and potentially strike the target. His confidence level is much higher if he has done what I just described with the great amount of accuracy that we have today. The system is at work, and we continue to develop it, and it is improved.

I will tell you that it is only good because of the type of standards. It has to be to 1 meter-type accuracy, and that is only done through a concerted effort of an organization like NIMA.

The CHAIRMAN. I was just at Aviano and had an intelligence briefing where they showed me what you are referring to. You have all given good examples.

Mr. Dellums.

Mr. DELLUMS. Thank you, Mr. Chairman.

We are coming to the end of these hearings. Let me observe that you, Mr. Chairman, in your opening remarks, as I recall, focused on the operational implications of this legislation; and I complimented you early on for that. Your question, or opportunity to give the witnesses an opportunity to give specific examples allows me to make the following observation.

As I have listened to both their testimony and their examples that they have all—all of them have emphasized three things—quickness, commonality and usefulness—and all of them are uniform in their testimony that in that regard, NIMA makes sense and that they all support that.

I have also tried to listen carefully to both the opening statements of our four witnesses and gain from their examples and examples given by their colleagues that the provision in H.R. 3237 that would transfer HUMINT is something that all of them uniformly oppose because that flies in the face of quickness, usefulness and commonality. So I think, for those reasons, Mr. Chairman, this is useful testimony and good testimony in that regard.

I think your question is really the ultimate question, and I have no further questions. With those observations, I yield back the balance of my time.

The CHAIRMAN. I thank the gentleman.

Mr. Skelton.

Mr. SKELTON. Thank you very much.

General Anderson, I wish to reflect that Lieutenant Colonel Patrick's testimony meets the test of a battlefield commander. Back

home, we say that is good stuff. That is the ultimate of a successful operation, and I compliment her in her accomplishments, as well as those others that are doing the same thing today, wherever they may be.

I just don't want to tinker with this thing, and in an attempt to make it better, make it worse. I remember the agony of 4 years of working with Goldwater-Nichols; and I hope we are not being—though I understand your testimony, I hope we are not being fed with a fire hose this morning. I intend to spend a bit of time going over this, and I appreciate your excellent remarks and recommendations.

I do have one unanswered question, General Van Riper. What if your commanders did not have that, those up-to-date maps? What would the outcome have been without them?

General VAN RIPER. We likely would have, in the case of the Second Marine Division, gone into an area that was much more heavily defended than we imagined. It was only when we secured those photos, we saw where the gap was, the lightly defended areas. So we could postulate that there could have been significant casualties if it had gone that direction. They were vital.

Mr. SKELTON. Thank you very much. I appreciate the witnesses.

Mr. Chairman, thanking for calling this hearing.

The CHAIRMAN. I thank the gentleman.

Mr. Bartlett.

Mr. BARTLETT. I understand that you would like to see some changes in H.R. 3237. Do you feel that any of the changes that you would like to see there would in any way impact upon the usefulness of the intelligence data by other users?

I understand that your recommendations, you feel, would benefit the defense use of this intelligence material, but would it in any way impede the access of others to this intelligence material?

General VAN RIPER. From the Marine Corps viewpoint, sir, I don't believe it will. The one caution I would add, particularly in the case of NIMA, that this satisfies the test for inside the Beltway, I believe, for the CINC's perhaps down to the commanders of our joint task force headquarters. The caution would be that that is not tactical intelligence. It is from there below that we have tactical intelligence.

So it is a very streamlined organization. It has all of the looks of being able to get the product down to us, but the final hurdle is to go from that joint task force headquarters to the division, the brigade, regiment and battalion; and without the operational mindset, that might not happen.

One quick example: I had the opportunity to go into the black hole during Desert Storm where the battle damage assessment was ongoing, and I saw a photo of three Scud bunkers that had been the target of a Marine FA-18. One had been destroyed completely, one had been cut in half and you could assume the missile was destroyed, the third, untouched. I asked the analyst if he had provided the photo to the squadron that was going to fly the reattack mission. He said no, sir, they don't need it.

I called them and told them which bunker had not been destroyed. He did not grasp the significance of the pilot, in terms of

situational awareness, seeing the rubble, seeing what the target looked like after the first strike.

So if we don't instill the operational mindset from top to bottom, all of this will not solve our problems.

Mr. BARTLETT. Thank you.

Do other witnesses concur that the changes you would like to see made, in your view would not impact on the accessibility of this material to other users?

General ANDERSON. I don't think so, although I must confess that I am probably not that well-informed as to who all the consumers are that are non-warfighters. It doesn't appear to me that that would be a problem.

Mr. BARTLETT. From my perspective, the most critical use of this intelligence data is by our defense establishment, and I think that the acquisition and dissemination of this information ought to be tailored to the specific needs of our defense establishment. It would be nice if that also made it as available, as feasible to others, but I think if there is going to be any impediment in availability of this dissemination of this information, it doesn't need to be at the defense level.

Thank you, Mr. Chairman.

The CHAIRMAN. Mr. Dellums.

Mr. DELLUMS. Mr. Chairman, if I could ask one additional question. I would like to direct the question to the Army, since the HUMINT reorganization primarily falls upon you, and give you the option of answering the question now or answering it for the record because there may be some classification issues involved.

What I would like to know is what kind of information that directly supports military operations is available only from your organic HUMINT organization? Do you understand the implications of that question?

General ANDERSON. Yes, sir.

Mr. DELLUMS. You are opposed to the reorganization. My question is, what information do you gather, directly affecting military operations, that comes specifically and exclusively from your HUMINT capabilities that requires you to take a position in opposition to that kind of reorganization?

General ANDERSON. Sir, I understand your question. It does touch on classified areas. I would like to take your offer and provide that for the record.

Mr. DELLUMS. That would be fine.

[The information referred to is classified and is retained in the committee files.]

The CHAIRMAN. Mr. Kennedy.

Mr. KENNEDY. Thank you, Mr. Chairman. I apologize for not being here the whole hearing, but I did have a chance to listen to some of the panelists talk about their problems with the way intelligence was disseminated and what kinds of intelligence; and I am sure this answer may have already been given, but in putting together intelligence that the operational commander can utilize effectively, what ways are there, have there been, for there to be rotations between the field and the intelligence community so that you get that operational mindset within the dissemination process,

so that the operational commanders will have the situational overview that they need to make the decisions?

In other words, how far have you come to resolving the problem that you have initially outlined, and that is, you don't want bits of data, you want situational awareness. What is the military doing to give that flavor to intelligence dissemination in the field?

Do they have operational commanders try to take disparate pieces of data and think about what the operational commander in the field might need and then just supply that information? How is it working?

General ANDERSON. If I could just try to touch on that, I think I can help answer that question and give you an example. An example would be, again, from recently in Bosnia.

We are in the process—have been and are in the process of fielding the ground station module, and the ground station module has the capability to draw information from a multitude of sources. Most recently, it was deployed to Bosnia to work with the JSTARS and get the MTI radar feed. The capabilities of that system were specifically designed to enable not only the Intel community to get access to the information and to use it in the fusion process and that kind of thing, as they do, but it also has a remote capability that puts the capability into the TOC, so that the commander has the immediate information that he wants to be able to draw from and can direct that capability into a large area, a small area, depending on where the JSTARS vehicle is at that time.

And we are going more to that in making information that normally only went to the Intel folks and normally didn't get to the commander after it had been processed by a multitude of systems, making it directly available to the commander in real time so decisions can be made as necessary.

Mr. KENNEDY. In the promotional area, does the intelligence community reflect those operational commanders that have served? Within their ranks is there good representation so as to ensure that there is this mindset always about the operational commander in the gathering of this intelligence?

General ANDERSON. Clearly, it is. It is embedded not only within by virtue of experience, but in the schoolhouse and in the leader development program.

The Intel community has taken a sharp turn, I think, in only the last couple of years to recognize the fact that their responsibility is to support the commander. So I think we are making that move.

Mr. KENNEDY. Thank you very much.

General VAN RIPER. I would echo that and say that I believe all the services' personnel policies within the intelligence field allow that to happen. But the testimony of Dr. White this morning when he talked about the personnel reforms would ensure that the entire community, from top to bottom, would have the same idea of the rotations to give the intelligence community personnel the operational exposure they need.

Mr. KENNEDY. Thank you, Mr. Chairman.

The CHAIRMAN. Mr. Taylor.

Mr. TAYLOR. Thank you, Mr. Chairman.

I would like to go back, General Van Riper. If the same scenario that you outlined that took place in the Gulf war were to happen

today, if the same situation—you were looking for information as to a line that you had to breach, would you encounter the same problem; or do you feel—in particular, I was very much interested that somewhere—the information was there, but you didn't know how to categorize it or digitize it.

Would you encounter the same problem today or has that been resolved?

General VAN RIPER. No, sir, we would not, for a number of reasons.

First is, much of this information is now in a digital format, so it can be moved worldwide. I think the only problem would be priority. If the tactical commander had priority on what are admittedly limited assets, I assume in this case we would have, and the documents would have been moved digitally certainly to the division level—probably at that point, we would have to reproduce and hand-carry them, but not the horror story that I related.

Mr. TAYLOR. The information that you used the first time, was that acquired by satellites? Was it acquired aircraft, the maps?

General VAN RIPER. The receiving location in Riyadh has both. Two Marine officers who returned to Washington, DC, what they required for the most part was from satellites.

Mr. TAYLOR. I apologize that I have had a number of visitors today—would NIMA require a new fleet of satellites, or would this basically be taking existing information that is being gathered and, in effect, gathering it in just one place?

General VAN RIPER. I don't believe that I am qualified to answer that with any technical detail, but I would like the opportunity to enter it for the record if I can get the information.

[The information referred to follows:]

Question. Would NIMA require a new fleet of satellites, or would this basically be taking existing information that is being gathered and, in effect, gathering it in just one place?

General VAN RIPER. NIMA will centralize the management of imagery and mapping resources to enhance the timely, relevant, and accurate dissemination of imagery intelligence and other products in support of national security objectives. This centralization will not include responsibility for satellite constellation which will remain with the NRO. Notwithstanding this "division of labor", we anticipate that NIMA and NRO will maintain close and continuous coordination. Regarding the broader question of whether a new fleet of satellites is required, the NRO is conducting a study to examine the composition of the current national system satellite architecture. The Marine Corps, along with the other Services and the defense intelligence agencies, is an active participant in this study.

NIMA will centralize intelligence exploitation and production planning; however, decentralized execution will continue from national to tactical levels. Improvements in the dissemination of satellite imagery to tactical levels will allow our commanders to exploit satellite imagery and produce intelligence at their headquarters.

The Marine Corps has worked closely with the NIMA Customer Advisory Board on the formulation of NIMA's proposed structure, mission, and customer support services. We will continue working with them to ensure our national imagery exploitation, production, and dissemination requirements are met.

Mr. TAYLOR. I realize this is not of vital importance, but has anyone put a price tag on the proposal for NIMA? And out of whose hide would it come, I guess would be the second question. Would it come out of procurement? Would it come out of R&D? Would all the services pay for this jointly? Has it gotten that far?

The CHAIRMAN. I think Mr. White went into some detail on that when he testified earlier.

Mr. TAYLOR. My last question would be, to what extent is the DOD—again, I probably should have asked this of Mr. White—I know that NASA has a large number of satellites and that through their remote sensing, they have found lost cities in the Yucatan, found gravel deposits, I know that they have been pretty good at any given spot on Earth. They can find the different thermoclines and a very likely place to hide a submarine or to look for a submarine.

To what extent do you coordinate your activities with that arm of NASA, their remote sensing from satellites, and are you allowed to do so, or are you banned by some law or regulation from doing so?

Admiral LUECKE. If I may, I would like to take that question for the record and respond back to you.

I know there is a significant amount of sharing that goes on, and from my discussions with the current Director of the DMA, I know that part of this NIMA organization proposal is to bring all these agencies together to more efficiently work those, consolidate the imagery and mapping functions; and I know that they intend and have established liaisons not only with NASA, but with other agencies in Europe, as well, that have imagery and mapping products and to take what is commercially available and then use those things.

[The information referred to follows:]

DoD does not routinely coordinate imaging operations of national assets with NASA-launched satellites, although the mechanism exists to do so. While not banned from such coordination by statute or Presidential Executive Order, intelligence community interpretation of the National Security Act of 1947 and Presidential Executive Order 12333 has prevented such activity. The intent of this interpretation is to disassociate NASA from the "spy business."

Situations do arise where national assets are used for domestic purposes, such as imaging forest fires and natural disasters in support of relief efforts. Such activity is coordinated through the Civil Applications Committee, which has NASA representation.

NASA remote sensing data is available for DoD use, but its utility, while important, is limited by quality, responsiveness, and timeliness. In the case of Landsat, NASA has launched spacecraft on behalf of the Earth Observation Satellite Company (EOSAT), which operates the Landsat program for the U.S. Department of Commerce. Military use of Landsat data ranges from lower-resolution imagery maps, to terrain categorization, to perspective scene mission rehearsal applications.

DoD use of commercial imagery, including Landsat, French SPOT, and others, is coordinated through the Defense Mapping Agency (DMA), which acts as purchasing and archiving agent. While this arrangement is currently working well, the consolidation of DMA within NIMA promises to make the process even more efficient.

Mr. TAYLOR. The reason I asked the question, I have been told by people at NASA that, given a couple of hours' warning, they can literally photograph any spot on Earth. I think their satellites are in a 90-minute orbit, and so with enough time to change the focus—your problem just should not have happened with all the resources that there are. Maybe that is what this is trying to address, but it just shouldn't have happened.

General VAN RIPER. Sir, two comments. One is, I don't believe from my experience that the NASA satellites would have the resolution that would be of the quality we would have needed for this particular incident. The problem was not that the product was not available. The product was not available where it could be located

in-country. That was the difficulty, and we couldn't move it except physically at that point.

Mr. TAYLOR. You made reference and, I thought, a very good point of the officer who had seen the battle damage assessment of the Scud site and that he called them over the plan line and told them where to look, rather than sending them a photograph. How would that photograph have been sent to the unit commander if it had been sent?

General VAN RIPER. He would have two options from his location; there was sufficient time. He could have put it on the airplane and flown it with other photos that were being forwarded at the same time, and during Operation Desert Storm, there was a limited capability to do it electronically.

Mr. TAYLOR. Thank you, Mr. Chairman.

The CHAIRMAN. Thank you.

Mr. Geren.

Mr. GEREN. Thank you, Mr. Chairman. General, you talked about how since Desert Storm we have this digital capability which seems to me, the little that I know about that technology, certainly does offer some tremendous opportunities for communicating and transferring information today that we wouldn't have had a short time ago.

Have we done everything in that area that you think we should? Are there initiatives in that area that Congress ought to be looking into trying to expand on that?

I know it is a little outside the province of this hearing, but you raised that point. Are some of these new advances in communications technology that we haven't fully invested in that perhaps, as we consider this initiative, might be something that we should be pushing?

General VAN RIPER. Sir, I speak as an operator, not as a technician. What I was referring to is ability simply to move in ones and zeros digitally instead of in analog format, which is a tremendous advantage. All services, as well as the Department, are clearly headed in that direction; and I believe the global command and control systems, ECCS, and the core operating environment, which are the systems we are migrating into, will absolutely resolve those problems.

Mr. GEREN. You said, migrating in that direction. Are we doing everything that we should—

General VAN RIPER. It is a tremendous undertaking because of the dollars invested in the legacy systems, the sheer number. There are resource issues, but even with additional resources, it is not a problem that can be solved overnight.

General ANDERSON. Sir, if I may, we in the Army have undertaken an effort called FORCE XXI which we are building at Fort Hood and using the 4th Infantry Division as our test case. There are a lot of claims. The technology is going very rapidly. This will be our opportunity to put those systems and devices into the force and then to put them on an MTC floor next March and determine what is the architecture that we need, what are the systems that are good for us.

The Marines are participating with us. The Air Force is participating with us. It truly is going to be a joint effort. We will get some great insight.

But to answer your question directly, I think, yes, sir, we are doing what is necessary, with your help, with Congress' help, in terms of funding those systems that are so key to this effort.

Admiral LUECKE. The Navy is moving along the same lines. What started out a few years ago under Admiral Tuttle as the Copernicus architecture and then evolved into the joint world into C4I for the warrior. The Navy has made tremendous improvements in the size and capacities of the pipes, the communications capability, C4I equipment, on all of its major ships; and that allows us to move the imagery back and forth in ones and zeros digitally, which resolves many of these timeliness problems that we had before.

What is left to do is to make sure that we operate jointly from common databases so that we have the same references and pull those same materials together, and that is one of the principal advantages we think NIMA will bring to the table.

If I could address a question Mr. Bartlett had about, is this going to degrade any support to some of the other customers, in my view, some of advantages that we are looking for from NIMA in terms of a better, more timely, quality product ought to be able to provide also to its other customers a better product as well. But Navy is moving ahead very much in the C4I world and we appreciate the help that we have gotten from Congress and this committee on those initiatives, because that is vital to our ability in the command and control world to move intelligence information where we need it, when we need it.

Mr. GEREN. Thank you.

General FLOYD. We are working toward digitized battle space. Our big concern is interoperability of the services. We are working that very hard with the architecture. We think the funding and time line is about as much as we can afford and is really feasible.

Mr. GEREN. Thank you, Mr. Chairman.

The CHAIRMAN. We have a vote on. I again want to thank all of you for your testimony. I have been very impressed by the testimony of all of you and the backup witnesses. We appreciate all of you appearing today.

You are what it is all about as far as we are concerned. We are trying to look out for people like yourselves, and that is why we are here. We put a lot more credence in what we hear from you than from other people.

Before I close, I would like to make mention of the fact that I notice, Admiral, you have got 5,500 flight hours in 70 different aircraft. I am impressed.

Admiral LUECKE. Sir, it is 72 now. I went to an airfest in my hometown last weekend to dedicate a veterans' memorial, and I got to fly in an old Trimotor and an AT-6, and I love it.

The CHAIRMAN. General Van Riper, I notice your wife came from down there in Villa. That is a neighbor of General Floyd, who is over in Atlanta. Give her my best regards.

Again, thank you all for coming today. The meeting is adjourned. Thank you.

[Whereupon, at 12 noon, the committee was adjourned.]

[The following information was submitted for the record:]

THE WHITE HOUSE
WASHINGTON

July 17, 1996

Dear Mr. Chairman:

Thank you for the opportunity to comment on portions of the Intelligence Authorization Bill that would legislate two new NSC Committees: the Committee on Foreign Intelligence and the Committee on Transnational Threats.

The Aspin-Brown Commission report released in March 1996 cited the need for improved policy guidance to the Intelligence Community and the need for a coordinated response to global criminal activity. The Commission made several valuable recommendations, including the establishment of a number of NSC-led committees to address these concerns. The President endorsed these recommendations and implementation is already well underway. For example:

- The document that establishes the Administration's intelligence priorities is being modified to reflect the establishment of the Committee on Foreign Intelligence and the Consumers Committee. Indeed, the Consumers Committee held its first meeting in June 1996, and an Interagency Working Group (IWG) is currently meeting to revalidate the countries and issues outlined in this document. Once this exercise is complete, the Consumers Committee will present its findings and recommendations to the Committee for Foreign Intelligence for validation.
- On organized crime, the Commission recommended the establishment of a Committee on Global Crime similar to the one proposed in the legislation on transnational threats. The NSC already has a number of issue-oriented interagency groups addressing these issues, in particular terrorism, narcotics, and organized crime on a day-to-day basis.

The goal of the Aspin-Brown Commission was to tighten communication and coordination between the intelligence and policy communities. I believe that these links are best strengthened through the auspices of the executive branch. Using executive direction rather than legislation to accomplish these goals preserves needed flexibility in the composition of the committees and the execution of the Administration's intelligence

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priorities. For these reasons, the Administration opposes the bill's provisions that seek to legislate the manner in which the President organizes and runs the National Security Council, in this instance by mandating creation of particular committees. Such efforts to micromanage the executive branch, including the President's own policy process, unduly intrude upon executive functions.

We share the same goal of enhancing the Intelligence Community's performance, and I look forward to working with you in the future on this important issue.

Sincerely,



Anthony Lake
Assistant to the President for
National Security Affairs

The Honorable Floyd D. Spence
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